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10 PORTFOLIO ADVISORS V, LLC,  
11 a Delaware Limited Liability Company

8 UNITED STATES DISTRICT COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA

11 PORTFOLIO ADVISORS V, LLC,  
12 a Delaware Limited Liability Company,

) Case No.: CV 09-2950 JL

13 Plaintiff,

) **STIPULATION AND REQUEST**  
**FOR ORDER AUTHORIZING**  
**ONE ADDITIONAL CHARTER**  
**OPERATION**

14 v.

) **Supp. Fed. R. Civ. Proc. E(4)(d)**  
**Admiralty L.R. 9-1(c)**

15 M/V SAN FRANCISCO SPIRIT, Official No.  
16 971235, its Engines, Machinery,  
17 Appurtenances, etc., *In Rem*, SIGNATURE  
18 HOSPITALITY, LLC, a California Limited  
19 Liability Company, GARRETT O'DOHERTY,  
20 DANIELLE O'DOHERTY, PACIFIC  
21 MARINE YACHT CHARTERS, LLC, a  
22 California Limited Liability Company, *In*  
*Personam*, and DOES 1-10.

21 Defendants.

23 Plaintiff PORTFOLIO ADVISORS V, LLC, and Defendants SIGNATURE

24 HOSPITALITY, LLC, GARRETT O'DOHERTY, DANIELLE O'DOHERTY, and PACIFIC  
25 MARINE YACHT CHARTERS, LLC, YACHT CONNECTIONS INTERNATIONAL, INC.,

26 being all the parties to the within action (collectively "the Parties"), hereby stipulate and  
27 request as follows:

28 WHEREAS, the Defendant Vessel, M/V SAN FRANCISCO SPIRIT, Official No.

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1 971235 (the "Vessel"), was arrested by the U.S. Marshal on September 4, 2009, pursuant to a  
2 warrant of arrest duly issued by this Court;

3 WHEREAS, authority for this request is based on Admir. L.R. 9-1(c), which provides in  
4 pertinent part:

5 Following arrest or attachment of a vessel, no cargo handling, repairs or  
6 movement may be made without an order of court. The applicant for such an  
7 order shall give notice to the marshal and to all parties of record. Upon proof of  
adequate insurance coverage of the applicant to indemnify the marshal for his or  
her liability, the court may direct the marshal to permit cargo handling, repairs,  
movement of the vessel or other operations.

8  
9 *See, e.g., United States v. Audrey II*, 185 F.Supp. 777 (S.D.Cal.1960) (vessel allowed to  
10 resume charter operations while under arrest) and cases cited therein at page 782.

11 WHEREAS, the Vessel is currently in the care, custody, and control of a Court-  
12 appointed substitute custodian, National Maritime Services, Inc., pursuant to an order duly  
13 issued by this Court, and properly insured;

14 WHEREAS, on September 15, 2009, this Court issued an Order allowing the Vessel to  
15 resume its charter operations with regard to 11 charters listed in Exhibit A attached thereto.  
16 The Court subsequently issued another order on September 23, 2009 authorizing two  
17 additional charters, for a total of 13 authorized charters.

18 WHEREAS, defendants advise that due to a clerical error the charter identified on  
19 Exhibit A as "Hummingbird Events" was inadvertently and incorrectly stated as scheduled to  
20 take place on October 28, 2009, and that such charter should have been scheduled on Exhibit  
A to occur on **October 20, 2009**.

21 WHEREAS, defendants also advise that due to a clerical error one additional charter that  
22 should have been listed on Exhibit A was inadvertently omitted, namely:

- 23 1) ***Mitchell Wayne Enterprises*** ***October 14, 2009***

24 WHEREAS, neither Plaintiff Portfolio nor Intervenor YCI have any objection to the  
25 additional charter taking place on October 14, 2009 or to the Hummingbird Events charter  
26 taking place on October 20, 2009;

27 WHEREAS, the Parties request and agree that the terms and conditions set forth in the  
28 Court's Order of September 15, 2009 shall also to the additional charter to be performed on

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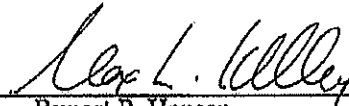
1 October 14, 2009.

2 NOW THEREFORE, the Parties agree and stipulate to and request that this Court order  
3 the following:

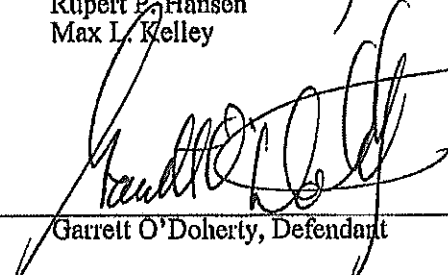
- 4 1. That the Vessel be allowed to operate one additional charter as follows:
- 5 1) Mitchell Wayne Technologies October 14, 2009
- 6 2. That the terms and conditions set forth in the Court's Order Authorizing Vessel to
- 7 Resume Charter Operations dated September 15, 2009 apply to this additional charter.
- 8 3. That the charter identified as "Hummingbird Events" in Exhibit A to the Court's Order
- 9 dated September 15, 2009 will be performed on October 20, 2009 instead of October 28, 2009.

10 Dated: October 9, 2009


COX, WOOTTON, GRIFFIN,  
HANSEN & POULOS, LLP  
Attorneys for Plaintiff  
PORTFOLIO ADVISORS V, LLC

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14 By:   
Rupert P. Hansen  
Max L. Kelley

15  
16  
17  
18 Dated: October 12, 2009

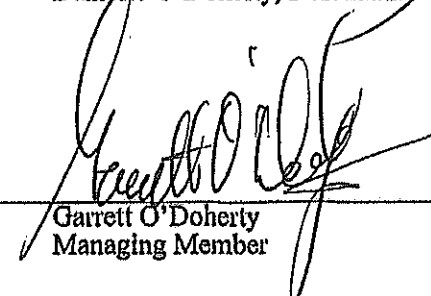
19 By:   
Garrett O'Doherty, Defendant

20  
21  
22 Dated: October 12, 2009

23 By:   
Danielle O'Doherty, Defendant

24 SIGNATURE HOSPITALITY, LLC

25  
26 Dated: October 12, 2009

27 By:   
Garrett O'Doherty  
Managing Member

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PACIFIC MARINE YACHT CHARTERS, LLC

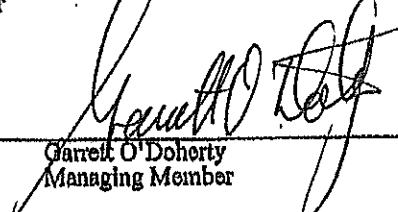
Dated: October 12, 2009

By:   
Its: Garrett O'Doherty  
Managing Member

DEFENDANT M/V PACIFIC SPIRIT, *in rem*

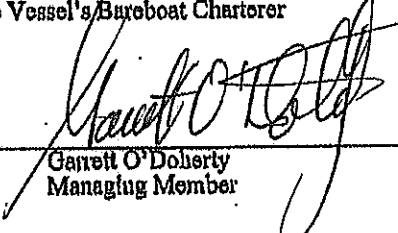
Dated: October 12, 2009

By: SIGNATURE HOSPITALITY, LLC, the Vessel's Owner

Its:   
Garrett O'Doherty  
Managing Member

Dated: October 12, 2009

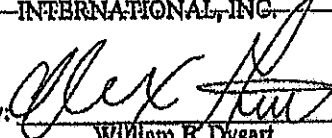
By: PACIFIC MARINE YACHT CHARTERS, LLC, the Vessel's Bareboat Charterer

Its:   
Garrett O'Doherty  
Managing Member

CLAIMANT/INTERVENOR YACHT CONNECTIONS INTERNATIONAL, INC.

Dated: October 9, 2009

WRIGHT & L'ESTRANGE  
Attorneys for Claimant/Intervenor  
YACHT CONNECTION  
INTERNATIONAL, INC.

By:   
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**ORDER**

The Court having considered the foregoing Stipulation of all parties to this Action, and good cause appearing therefor,

**IT IS HEREBY ORDERED THAT, PURSUANT TO STIPULATION:**

1. The Vessel is authorized to operate one additional charters as follows:

1) Mitchell Wayne Technologies      October 14, 2009

2. The terms and conditions set forth in the Court’s Order Authorizing Vessel to Resume Charter Operations dated September 15, 2009 apply to this one additional charter.

3. The charter identified as “Hummingbird Events” in Exhibit A to the Court’s Order dated September 15, 2009 will be performed on October 20, 2009 instead of October 28, 2009.

Dated: October 13, 2009

  
U.S. MAGISTRATE JUDGE

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