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 JUAN REYNOSO

7 UNITED STATES DISTRICT COURT  
 8 NORTHERN DISTRICT OF CALIFORNIA

10 ) CASE NO. CV-11-3060 WHA  
 11 In the matter of RIVERVIEW EQUIPMENT )  
 COMPANY, LLC, as owner, and JERICO )  
 12 PRODUCTS, INC., as bareboat charterer, of )  
 the barge PETER LIND, vessel document )  
 13 number 533413, for exoneration from or )  
 limitation of liability. )  
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 18 Claimant JUAN REYNOSO ("Claimant"), having filed his Motion to Stay  
 19 Limitation Action, the Court having taken the matter under submission without a  
 20 hearing, and the Court having considered the motion, Claimant's Stipulations in  
 21 Support of Motion to Stay, and Plaintiffs-in-Limitation Riverview Equipment  
 Company, LLC and Jerico Products, Inc.'s statement of non-opposition to the  
 22 Motion to Stay, the Court finds good cause exists in favor of the requested stay. IT  
 23 IS HEREBY ORDERED that Claimant's Motion to Stay Limitation Action is  
 GRANTED.

24 Pursuant to the authority and discretion vested in this Court, the  
 25 controlling legal authorities and Claimant's Stipulations in Support of Motion to  
 26 Stay, IT IS FURTHER ORDERED that:

- 27 1. The Order Directing Issuance of Notice And Publication Thereof and  
 28 restraining Order dated June 23, 2011, to the extent it enjoined "the continued

1 prosecution of any and all suits, actions, or proceedings which may already  
2 have begun against Plaintiffs-in-Limitation in any court whatsoever to recover  
3 damages arising out of, or occasioned by, or consequent upon the alleged  
4 incident on or about October 18, 2010, and institution or prosecution of any  
5 suits, actions or legal proceedings of any nature description whatsoever in any  
6 court whatsoever” is hereby lifted and vacated;

- 7 2. Plaintiffs-in-Limitation RIVERVIEW EQUIPMENT COMPANY, LLC, as  
8 owner, and JERICO PRODUCTS, INC., as bareboat charterer, of the barge  
9 PETER LIND have the right to litigate all issues specifically relating to their  
10 attempt at limitation of liability pursuant to the provisions of 46 U.S.C.  
11 §§30501 *et seq.* (such as privity and knowledge) in this United States District  
12 Court (though Claimant specifically reserves his right to deny and contest in  
13 this Court all assertions and allegations made by Plaintiffs-in-Limitation in the  
14 Complaint for Exoneration from or Limitation of Liability);
- 15 3. Claimant will not seek in any action any judgment or ruling on the issue of  
16 Plaintiffs-in-Limitation's right to limitation of liability and has waived any  
17 claim of *res judicata* or collateral estoppel relevant to the specific issue of  
18 limitation of liability based on any judgment that may be rendered in any such  
19 court actions;
- 20 4. Claimant has agreed to the \$3.2 million valuation of the barge PETER LIND  
21 proposed by Plaintiffs-in-Limitation. This will be the amount of the Limitation  
22 Fund. If there are any judgments or recoveries in Claimant’s favor in any court  
23 actions totaling in excess of \$3.2 million, Claimant shall not seek to enforce  
24 said excess judgments or recoveries beyond the Limitation Fund amount of  
25 \$3.2 million dollars, pending the adjudication of the Complaint for Exoneration  
26 from or Limitation of Liability pending in this Court; and
- 27 5. This action is hereby stayed in all respects and will remain so stayed until (1)  
28 the completion of the trial of the merits of the underlying claim in the forum of

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Claimant's choosing or (2) the Court is advised of the resolution of Claimant's claims by settlement or other means. This stay, however, will expire and a status conference will be set if neither of the above circumstances have come to pass within 12 months of this order.

IT IS SO ORDERED. The hearing set for November 17, 2011, at 8 a.m. is hereby **Vacated**.

Dated: November 7, 2011.



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William Alsup  
UNITED STATES DISTRICT JUDGE