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8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10

11 OCTAVIAN MARKA LLC,)	Case No. CV-13-2863-SC
)	
12 Plaintiff,)	STIPULATED APPLICATION FOR AN
)	ORDER; [PROPOSED] ORDER
13 vs.)	
)	[RESTRICTED APPEARANCE PURSUANT
14 MARKA SHIPPING LTD., in personam, and)	TO F.R.C.P. SUPPLEMENTAL
15 M/T MARKA, IMO no. 9512484, her engines,)	ADMIRALTY RULE E(8)]
tackle, gear and appurtenances, in rem,)	
)	
16 Defendants.)	

17 Interested Party PANAMAX INTERNATIONAL (P.I.) (“PANAMAX”) and Plaintiff
 18 OCTAVIAN MARKA LLC (“OCTAVIAN”) (collectively, “the Parties”), by and through their
 19 respective counsel, hereby stipulate as follows:

20 WHEREAS, OCTAVIAN is the owner of the vessel M/T MARKA (IMO NO.
 21 9512484) (“M/T MARKA”);

22 WHEREAS, on June 20, 2013 OCTAVIAN filed a Verified Complaint seeking a
 23 Warrant of Arrest against the M/T MARKA pursuant to the Federal Rules of Civil Procedure,
 24 Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Rule D;

25 WHEREAS, on June 20, 2013, this Court issued a Warrant of Arrest pursuant to which
 26 the M/T MARKA was arrested;

27 WHEREAS, Defendant MARKA SHIPPING LTD. is the bareboat charterer of the M/T
 28 MARKA and has not appeared in this action or otherwise made a claim;

1 WHEREAS, on June 25, 2013, Interested Party PANAMAX made a special appearance
2 by filing a Verified Statement of Interest stating that it is, among other things, the time-charterer of the
3 M/T MARKA and owner of bunker fuel aboard the vessel; and

4 WHEREAS, the Parties wish to commission a joint bunker survey in order to
5 determine the precise amount of fuel aboard the M/T MARKA and the amount consumed during its
6 arrest (the "Survey"), and seek an Order from the Court permitting a surveyor to attend onboard the
7 M/T MARKA to conduct the Survey with the cost split evenly between the Parties. The purpose of
8 the Survey is to determine quantity only, and no bunkers or other materials will be removed from the
9 vessel.

10 IT IS SO STIPULATED AND AGREED.

11
12
13 DATED: June 27, 2013

/s/ Jessica Luhrs

14 JOHN D. GIFFIN
15 JESSICA LUHRS
16 KEESAL, YOUNG & LOGAN
17 Attorneys for Interested Party PANAMAX
18 INTERNATIONAL (P.I.)

19 DATED June 27, 2013

/s/ Rupert P. Hansen

20 RUPERT P. HANSEN
21 COX, WOOTTON, GRIFFIN, HANSEN &
22 POULOS LLP
23 Attorney for Plaintiff OCTAVIAN MARKA LLC

24 *Filer's Attestation: Pursuant to Civil Local Rule 5-1 (i)(3) regarding signatures, Jessica Luhrs*

25 *hereby attests that concurrence in the filing of this document has been obtained.*

PROPOSED ORDER

Based on the foregoing Stipulation and good cause appearing, IT IS HEREBY ORDERED

THAT:

1. At their mutual expense, PANAMAX INTERNATIONAL (P.I.) and OCTAVIAN MARKA LLC may commission a joint bunker survey to determine the precise amount of fuel aboard the M/T MARKA and the amount consumed during its arrest (the "Survey").
2. A surveyor will be permitted to attend onboard the M/T MARKA to conduct the Survey.

IT IS SO ORDERED.

DATED: June 28, 2013



THE HONORABLE SAMUEL CONTI
U.S. DISTRICT COURT JUDGE