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9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

11 OCTAVIAN MARKA LLC,  
 12 )  
 13 ) Plaintiff,  
 14 )

v.

15 MARKA SHIPPING LTD., *in personam*,  
 16 and M/T MARKA, IMO no. 9512484, her  
 17 engines, tackle, gear, and appurtenances, *in*  
 18 *rem*,  
 19 )  
 20 ) Defendants.  
 21 )

Case No.: CV13-2863 SC

**IN ADMIRALTY**

~~**[PROPOSED]**~~ **ORDER ON**  
**RENEWED EX PARTE**  
**APPLICATION FOR AN ORDER**  
**RELEASING THE IN REM**  
**DEFENDANT VESSEL FROM**  
**ARREST AND FOR DISMISSAL OF**  
**ACTION**

**SUPP. F.R.C.P. E(5)(d) and**  
**F.R.C.P. 41 (a)**

22 The Court having considered the Renewed *Ex Parte* Application of Plaintiff  
 23 OCTAVIAN MARKA LLC, for an order: (1) releasing the *in rem* defendant vessel M/T  
 24 MARKA, IMO no. 9512484, her engines, tackle, gear, and appurtenances (“Vessel”) from  
 25 the Arrest Warrant issued in the captioned action and to Plaintiff OCTAVIAN MARKA,  
 26 LLC; and (2) dismissing this action in its entirety, without prejudice, with each party to bear  
 27 their own costs; and the Court noting that neither *in personam* defendant MARKA  
 28 SHIPPING LTD nor *in rem* defendant Vessel have yet appeared in this action; that MARKA  
 SHIPPING LTD’s manager Togrul Tokgoz has filed a duly authorized declaration, that  
 MARKA SHIPPING LTD does not oppose this Renewed *Ex Parte* Application and agrees  
 that upon release from arrest the possession of the defendant Vessel should be tendered to  
 plaintiff OCTAVIAN MARKA LLC; that Claimant PANAMAX INTERNATIONAL (P.I.)

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1 has filed an Acknowledgement that its Statement of Interest has been satisfied, that  
2 PANAMAX INTERNATIONAL (P.I.) does not oppose this Application, and that Plaintiff  
3 OCTAVIAN MARKA LLC and Claimant PANAMAX INTERNATIONAL (P.I.) comprise  
4 all the parties to have appeared this case, and that this Application is made pursuant to Rule  
5 E(5)(d) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture  
6 Actions, of Federal Rules of Civil Procedure (“Supplemental Rules”), and for dismissal of  
7 this action without prejudice, pursuant to Rule 41(a) of the Federal Rule of Civil Procedure,  
8 and GOOD CAUSE APPEARING THEREFORE;

9 **IT IS HEREBY ORDERED THAT** the defendant Vessel shall be released from  
10 arrest herein and from the custody of the Substitute Custodian National Maritime Services  
11 and the United States Marshal for the Northern District of California, and the Substitute  
12 Custodian and Marshall are directed to tender custody of the defendant Vessel as and where  
13 she lies in the Northern District of California to plaintiff OCTAVIAN MARKA LLC, upon  
14 plaintiff OCTAVIAN MARKA LLC’s satisfaction of all of the Substitute Custodian’s fees  
15 and expenses of custody after deducting any deposits and prior payments tendered by  
16 Plaintiff OCTAVIAN MARKA LLC, and upon payment of the Marshal’s fees and costs of  
17 custody from the plaintiff OCTAVIAN MARKA LLC’s deposit with the Marshal, along  
18 with payment of any fees and costs of custoday in excess of plaintiff' OCTAVIAN  
19 MARKA LLC’s deposit that may be outstanding and unpaid; and

20 **IT IS FURTHER ORDERED THAT,** that upon the U.S. Marshal and the  
21 Custodian filing certification with the court that their fees and expenses incurred in this  
22 action have been paid by plaintiff OCTAVIAN MARKA LLC, that the instant action shall  
23 be dismissed without prejudice and without costs to any party.

24 Dated: August, 7, 2013

  
25 \_\_\_\_\_  
26 U.S. District Judge

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