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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH ROBERT SPOONER,  
Plaintiff,  
v.  
MULTI HULL FOILING AC45 VESSEL “4  
ORACLE TEAM USA,” et al.,  
Defendants.

Case No. [15-cv-00692-JCS](#)

**ORDER TO FILE RESPONSE TO  
REQUEST FOR RELEASE FROM  
ARREST**

This Court previously denied Plaintiff Joseph Spooner’s request for a warrant to arrest the AC45-class racing catamaran *4 Oracle Team USA* (the “Vessel”). *See* Order (dkt. 17). On Friday, March 6, Spooner filed an Amended Complaint (dkt. 19) and a declaration stating that exigent circumstances would make judicial review impracticable (dkt. 21). Pursuant to Rule C(3)(a)(ii) of the Federal Rules of Civil Procedure’s supplemental rules for admiralty proceedings, and this Court’s Admiralty Local Rule 3-1(b), the Clerk issued an arrest warrant for the Vessel without judicial review. *See* Warrant (dkt. 24). The United States Marshals Service executed the warrant on March 9, 2015 and arrested three shipping containers at Oracle Racing’s Pier 80 facility, at least two of which contain parts matching the description of the Vessel. *See* Warrant Returned Executed (dkt. 26).

Defendant Oracle Racing, Inc. (“Oracle Racing”) has filed a “Request for Release of Vessel.” *See* Request for Release (dkt. 25). According to Oracle Racing: (1) Oracle Racing has operated multiple AC45 catamarans labeled as “4 Oracle Team USA”; (2) the vessel that Spooner sailed on was sold to a French racing team in December of 2014 and is no longer located in this district; and (3) two of the arrested containers contain parts for a different AC45 catamaran (“yacht #12”) that was not launched before Spooner’s contract was terminated, and is therefore not

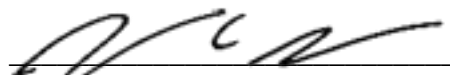
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subject to a maritime lien.<sup>1</sup> *Id.* Oracle Racing also raises various other arguments against the continued arrest. *See id.*

Spooner is hereby ORDERED to file a response to Oracle Racing’s Request for Release no later than March 10, 2015. Spooner’s response should address any issues relevant to the propriety of the arrest and the existence of exigent circumstances, including but not limited to the following: (1) whether Spooner has standing to enforce the contract at issue, which is between Oracle Racing and a corporate entity listed as Allegro Yachting Ltd.; (2) whether the issues raised in the Amended Complaint are sufficiently tied to any particular vessel to support an in rem action, and if so, whether that is the vessel that has been arrested; (3) if the Court determines that the arrest should not be vacated, the value of a bond sufficient for release of the Vessel; and (4) each argument raised in Oracle Racing’s Request for Release.

**IT IS SO ORDERED.**

Dated: March 9, 2015

  
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JOSEPH C. SPERO  
Chief Magistrate Judge

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<sup>1</sup> Oracle Racing states that “the other container was not opened, so its contents are unknown.”