

1 JENNIFER T. SANCHEZ (191548)
MARISA G. HUBER (254171)
2 MICHELLE L. TOMMEY (196166)
GIBSON ROBB & LINDH LLP
3 201 Mission Street, Suite 2700
San Francisco, California 94105
4 Telephone: (415) 348-6000
Facsimile: (415) 348-6001
5 Email: jsanchez@gibsonrobb.com
mhuber@gibsonrobb.com
6 mtommey@gibsonrobb.com

7 Attorneys for Defendants/Counter-Claimant
CHRISTOPHER WOLLEN and
8 *S/Y PURSUIT*

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 BAY MARINE BOATWORKS, INC., dba
14 SVENDSEN'S BAY MARINE,

15 Plaintiff,

16 v.
17

18 *S/Y PURSUIT*, her sails, tackle, appurtenances,
etc., *in rem*; and CHRISTOPHER WOLLEN,
19 *in personam*,

20 Defendants.
21

22 CHRISTOPHER WOLLEN,

23 Counter-Claimant,

24 v.
25

25 BAY MARINE BOATWORKS, INC., dba
26 SVENDSEN'S BAY MARINE,

27 Counter-Defendant.
28

Case No. 3:20-cv-05399-WHO (DMR)
and Related Case No. 20-cv-05958-JD

IN ADMIRALTY

**STIPULATED CONDITIONAL
DISMISSAL AND ORDER**

1 WHEREAS, Plaintiff and Counter-Defendant Bay Marine Boatworks, Inc. dba Svendsen's
2 Bay Marine ("Svendsen's") and Defendant and Counter-Claimant Christopher Wollen ("Wollen")
3 have reached a settlement that provides for dismissal of this entire action and the related case with
4 prejudice conditioned on the Court issuing an order not only retaining jurisdiction to enforce the
5 terms of the settlement but vacating its prior order providing for the arrest and appointment of a
6 substitute custodian for the vessel *S/Y PURSUIT* (the "Arrest").
7

8 NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

- 9 1. The order of Arrest of the *S/Y PURSUIT* be vacated;
- 10 2. Subject to the Court's entry of an order retaining jurisdiction through June 18, 2021, to
11 enforce the terms of the Parties' Settlement Agreement, pursuant to F.R.C.P 41(a)(2), the Parties
12 dismiss their Complaint and Counter-Claim in this Action with prejudice and Wollen dismisses his
13 Complaint in the related action with prejudice, with each party bearing their own attorney's fees
14 and costs.
15

16 Dated: February 16, 2021

GIBSON ROBB & LINDH LLP

18 /s/ JENNIFER TOMLIN SANCHEZ
19 Jennifer Tomlin Sanchez
20 jsanchez@gibsonrobb.com
21 Attorneys for Defendants/Counter-Claimant
CHRISTOPHER WOLLEN and
S/Y PURSUIT

22 Dated: February 16, 2021

KENNEDYS CMK LLP

24 /s/ JONATHAN W. THAMES
25 Jonathan W. Thames
Jonathan.Thames@kennedyslaw.com
26 Attorneys for Plaintiff/Counter-Defendant
Bay Marine Boatworks, Inc. dba Svendsen's Bay
27 Marine
28

1 **ORDER**

2 For the reasons stated above in the Parties' Stipulated Conditional Dismissal, the Court
3 finds that the proposed dismissal is proper under Rule 41(a)(2) of the Federal Rules of Civil
4 Procedure. **IT IS HEREBY ORDERED:**
5

6 1. With the consent of the Parties, the Court shall retain jurisdiction for the purposes of
7 enforcing the terms of the Parties' settlement agreement through June 18, 2021;

8 2. The order of Arrest of the vessel S/Y PURSUIT and the appointment of a substitute
9 custodian, docket number 6, is vacated;
10

11 3. Except as provided for in Paragraph 1, the case captioned *Bay Marine Boatworks, Inc.*
12 *dba Svendsen's Bay Marine v. S/Y/ PURSUIT, her sails, tackle, appurtenances, etc. in rem and*
13 *Christopher Wollen, in personam*, case no. 3:20-cv-05399-WHO (DMR) and the related case
14 captioned *Christopher Wollen v. Bay Marine Boatworks, Inc. dba Svendsen's Bay Marine*, case
15 no. 3:20-cv-05958-JD, are hereby dismissed with prejudice.
16

17 Dated: February 17, 2021
18



Hon. William H. Orrick
United States District Court
19
20
21
22
23
24
25
26
27
28