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10 Attorneys for Plaintiff-in-Limitation
11 RKK INVESTMENTS LLC

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 CV 09

15 4752

16 PJH

17 In the matter of Plaintiff-in-Limitation RKK)
18 INVESTMENTS LLC, as owners of F/V)
19 STORMBRINGER for exoneration from)
20 and/or limitation of liability)

Case No.

21 **[PROPOSED] ORDER DIRECTING**
22 **ISSUANCE OF NOTICE AND**
23 **PUBLICATION THEREOF, AND**
24 **RESTRAINING ORDER**

25 WHEREAS, this complaint for exoneration from or limitation of liability is being filed
26 simultaneously with this [proposed] order by Plaintiff-in-Limitation RKK INVESTMENTS LLC
27 as owner of F/V STORMBRINGER, wherein Plaintiff-in-Limitation seeks exoneration from or
28 limitation of liability for any and all losses, injuries and/or damages occasioned as a result of the
incident aboard the F/V STORMBRINGER resulting in the death of David Morgan on or about
March 10, 2009, off the coast of California, and certain other relief; and

WHEREAS, the complaint having stated the facts and circumstances upon which said
exoneration or limitation is claimed; and

WHEREAS, it appearing that the claims that may be made against Plaintiff-in-Limitation
may be in amounts which will exceed the value of Plaintiff-in-Limitation's interest in the vessel
F/V STORMBRINGER for losses, injuries and/or damages said to have been occasioned or
incurred in consequence of the aforesaid voyage; and

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NORTHERN DISTRICT OF CALIFORNIA
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1 WHEREAS, Plaintiff-in-Limitation's surety has given security for damages in costs
2 herein;

3 AND NOW THEREFORE, on application of Gibson Robb & Lindh LLP, counsel for
4 Plaintiff-in-Limitation is hereby:

5 ORDERED that the Clerk of this Court issue a notice forthwith, in the form submitted
6 with this Order, to all persons or entities asserting claims with respect to which the complaint
7 seeks exoneration or limitation, admonishing them to file their respective claims with the Clerk
8 of the Court and serve attorneys for Plaintiff-in-Limitation with a copy thereof within 30 days of
9 the issuance of the notice;

10 AND IT IS FURTHER ORDERED that public notice shall be given by publication
11 thereof in the legal newspaper known as "The Recorder," and that such notice shall be published
12 once a week for four consecutive weeks prior to the date affixed herein for filing of claims;

13 AND IT IS FURTHER ORDERED that not later than the date of the second publication
14 of said notice, Plaintiff-in-Limitation shall mail a copy of said notice to every person or concern,
15 if any, known to have made any claim against Plaintiff-in-Limitation and to decedent at the
16 decedent's last known address and to any person who shall be known to have made a claim on
17 account of such death, as a result of the incident involving the F/V STORMBRINGER on or
18 about March 10, 2009;

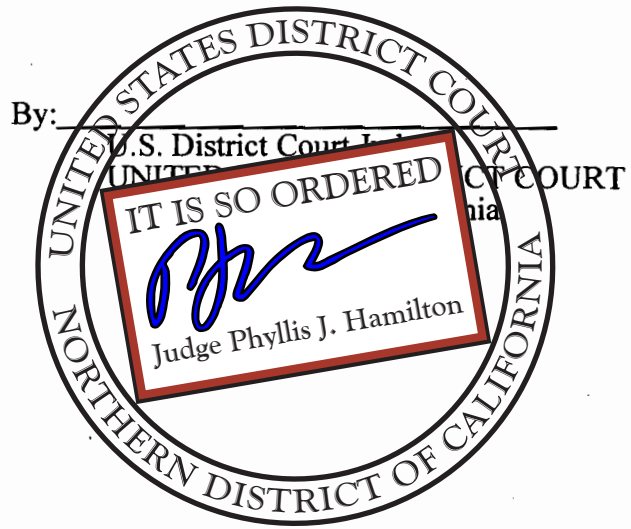
19 AND IT IS FURTHER ORDERED that the continued prosecution of any and all suits,
20 actions or proceedings which may already have begun against Plaintiff-in-Limitation in any court
21 whatsoever to recover damages arising out of, or occasioned by, or consequent upon the
22 aforesaid voyage or trip on which the F/V STORMBRINGER was engaged during which David
23 Morgan was lost, and institution or prosecution of any suits, actions or legal proceedings of any
24 nature description whatsoever in any court wheresoever, except in this proceeding for
25 exoneration from or limitation of liability, against Plaintiff-in-Limitation, in respect of any claim
26 or claims arising out of the aforesaid voyager trip on which the F/V STORMBRINGER was then
27 engaged, or otherwise subject to limitation proceeding, be and the same are hereby are stayed and
28 restrained;

1 AND IT IS FURTHER ORDERED that a certified copy of this order as a restraining
2 order shall be served by certified mail, return receipt requested, on the person or persons, or
3 entity or entities, to be restrained, or to their respective attorneys or representatives;

4 AND IT IS FURTHER ORDERED that the publication and mailing of copies of the
5 Notice to Claimants, required by Rule F(4), Supplemental Rules for Certain Admiralty and
6 Maritime Claims, Federal Rules of Civil Procedure, shall constitute due notice to all persons
7 asserting claims with respect to which said complaint seeks limitation or exoneration.

8 IT IS SO ORDERED.

9
10 Dated: October 20, 2009



15 Presented by:
16 GIBSON ROBB & LINDH LLP
17
18 By: _____
19 Marker E. Lovell, Jr.