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8 Attorneys for Petitioner
 9 BURCHELL ENTERPRISES, INC.

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 In the Matter of Petitioner BURCHELL) Case No. C 04 5193 SBA
 13 ENTERPRISES, INC. as Owners of F/V)
 14 MARIAN ANN for Exoneration from and/or) **ORDER DIRECTING ISSUANCE OF**
 Limitation of Liability) **NOTICE AND PUBLICATION THEREOF,**
) **AND RESTRAINING ORDER**
)
)

15 WHEREAS, a Petition for exoneration from or limitation of liability is being filed simultaneously with
 16 this [Proposed] Order by Petitioner Burchell Enterprises, Inc., (hereinafter "Petitioner") as owner of the
 17 F/V MARIAN ANN, wherein petitioner seeks exoneration from or limitation of liability for any and all
 18 losses, injuries and/or damages occasioned as a result of the sinking of the F/V MARIAN ANN on or
 19 about September 23, 2004, off the coast of California, and certain other relief; and

20 WHEREAS, the complaint having stated the facts and circumstances upon which said exoneration
 21 and limitation are claimed; and

22 WHEREAS, it appearing that claims may be made against the Petitioner in amounts which will
 23 exceed the value of Petitioner's interests in the vessel MARIAN ANN for losses, injuries and/or damages
 24 said to have been occasioned or incurred in consequent of the aforesaid voyage; and

25 WHEREAS, Petitioner's surety has given security for damages and costs herein;

26 NOW THEREFORE, on application of Gibson Robb & Lindh LLP, counsel for Petitioner, it is
 27 hereby:

28 ORDERED that the Clerk of this Court issue a notice forthwith, in the form submitted with this

1 Order and attached as an exhibit hereto, to all persons or entities asserting claims with respect to which the
2 complaint seeks limitation, admonishing them to file their respective claims with the Clerk of the Court and
3 serve attorneys for Petitioner with copies thereof **within thirty days of the issuance of the notice**; and
4 it is further

5 ORDERED that public notice shall be given by publication thereof in the legal newspaper known
6 as the "The Recorder," and that such notice shall be published once a week for four consecutive weeks
7 prior to the date fixed herein for filing of claims; and it is further

8 ORDERED that not later than the date of the second publication of said notice, the Petitioner shall
9 mail a copy of said notice to every person or concern, if any, known to have made any claim against
10 Petitioners and to decedent(s) at the decedent(s) last known address and to any person who shall be
11 known to have made a claim on account of such death , as a result of the sinking of the F/V MARIAN
12 ANN on or about September 23, 2004; and it is further

13 ORDERED that the continued prosecution of any and all suits, actions or proceedings which may
14 have already begun against Petitioner in any Court whatsoever to recover damages arising out of,
15 occasioned by, or consequent upon the aforesaid voyage or trip in which the MARIAN ANN was then
16 engaged and during which she was lost, and the institution or prosecution of any suits, actions or legal
17 proceedings of any nature or description whatsoever in any Court wheresoever, except in this proceeding
18 for exoneration from or limitation of liability, against Petitioner, in respect of any claim or claims arising out
19 of the aforesaid voyage or trip on which the MARIAN ANN was then engaged, or otherwise subject to
20 limitation in this proceeding, be and the same hereby are stayed and restrained; and it is further

21 ORDERED that a certified copy of this Order as a restraining order shall be served by certified
22 mail, return receipt requested, on the person or persons, or entity or entities, to be restrained, or to their
23 respective attorneys or representatives; and it is further

24 ORDERED that the publication and mailing of copies of the Notice to Claimants, required by Rule
25 F(4), Supplemental Rules for Certain Admiralty and Maritime Claims, Federal Rules of Civil Procedure,

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1 shall constitute due notice to all persons asserting claims with respect to which said complaint seeks
2 limitation or exoneration.

3 IT IS SO ORDERED.

4 This 13th day of December, 2004, at Oakland, California.

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/s/ Sandra Brown Armstrong
UNITED STATES DISTRICT JUDGE

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