

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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ARAB BANK (SWITZERLAND) LTD.,

Plaintiff,

17 Civ. 469 (WWE)

- against -

SEA MASTER SHIPPING INC. ,

In Personam

**ORDER OF COURT
DIRECTING PLAINTIFF TO POST
COUNTERSECURITY**

and

M/V "SEA MASTER", her engines, rigging,
equipment and appurtenances, etc.

In Rem

Defendants.

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Whereas the Court authorized issuance of a warrant of arrest for the seizure in rem of the M/V SEA MASTER (the "Vessel") upon the application of the Plaintiff to obtain security for its alleged claim, pending in London arbitration, of mis-delivery of a certain cargo of corn, as described more specifically in the Complaint filed herein; and

Whereas the Clerk of the Court issued the warrant of arrest; and

Whereas the Vessel was thereafter seized and placed under arrest by the U.S. Marshal; and

Whereas the Defendants filed a claim of Owner, an answer with counterclaims and thereafter lodged counterclaims in the London arbitration against the Plaintiff for, inter alia, demurrage, detention and damages, as set out with greater particularity in the counterclaim and the submission in London; and

Whereas the Defendants moved for an order compelling the Plaintiff to post countersecurity in the amount prayed for in its counterclaims; and

Whereas following submission of the Defendants' motion papers, the Court established a schedule for the submission of opposition and reply papers; and

Whereas the Plaintiff filed opposition papers in accordance with the schedule, and the Defendants likewise timely filed reply papers, all of which the Court has considered in respect to the application for countersecurity; and

Whereas the Court heard argument on March 30, 2017, with participation of counsel for both parties; and

Whereas the Court has determined that all of the conditions required under Supplemental Rule E(7) for security on a counterclaim have been met by the Defendants, specifically, that the counterclaim arises from the same transaction or occurrence that is the subject of the original action:

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

1. Defendants' motion for countersecurity is granted;
2. The Plaintiff is directed to post countersecurity in a form acceptable to the Defendants (or as required by the Supplemental Rules) securing the counterclaims against the Plaintiff in the sum prayed for in the Answer and Counterclaim, said countersecurity to be posted no later than ten (10) business days from the date of entry of this Order, such countersecurity to be tendered to counsel for the Defendant securing the claims against the Plaintiff as outlined in the answer and counterclaim for the losses and damages arising in connection with this voyage with a copy of the security to be filed with the Clerk of the Court;
3. In the event there is a refusal or failure on the part of the Plaintiff to post the countersecurity in accordance with this Order, the Defendants are at liberty to return to the Court for further relief;

4. This Court will retain jurisdiction to enforce any action or award(s) as may be entered in the London arbitration, with the adjudication of the merits of the claim and counterclaim being stayed pending London arbitration.

Dated: April 27, 2017

/s/Warren W. Eginton
WARREN W. EGINTON
SENIOR UNITED STATES DISTRICT JUDGE