

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION
IN ADMIRALTY

RAY CAPITAL INC.; OPPENHEIM *
CAPITAL LTD.; CHEYENNE HOLDINGS *
LTD.; and LABROY SHIPTRADE *
LIMITED, *

Plaintiffs, *

v. *

CV 416-093

M/V NEWLEAD CASTELLANO, IMO NO. *
9686338, her engines, tackle, *
equipment, furniture, *
appurtenances, etc., *in rem*, *
and NEWLEAD CASTELLANO LTD., *

Defendants. *

O R D E R

On May 26, 2016, Plaintiffs filed a motion seeking, *inter alia*, the authorization of certain *in custodia legis* expenses in the amount of \$455,407.20 USD incurred or to be incurred from April 19, 2016 through June 30, 2016. (Doc. 28.) On July 14, 2016, the Court entered an order granting the aforementioned requested relief. (Doc. 48.) Pursuant to the terms of the Court's order, Defendants were given seven (7) days to respond to any future motions filed by Plaintiffs seeking authorization of *in custodia legis* expenses. (Id. ¶ 3.) On August 9, 2016, Plaintiffs filed their Second Motion to Authorize *In Custodia Legis* Expenses seeking the authorization of certain additional

in custodia legis expenses, above those authorized by the Court in its Order dated July 14, 2016 (Doc. 48), in the amount of \$239,963.17 USD incurred through August 8, 2016. (Doc. 69.) Defendants' response to that motion was therefore due on or before August 17, 2016; to date, Defendants have failed to respond to said motion. On August 17, 2016, Plaintiffs filed their First Motion to Distribute Proceeds of Sale seeking a partial distribution of the proceeds from the sale of the Vessel presently held in the Court's registry in an amount sufficient to satisfy those *in custodia expenses* requested in Plaintiffs' aforementioned motions, for a total amount presently requested to be distributed to Plaintiffs of \$695,370.37 USD. (Doc. 77.)


The Court, having considered Plaintiff's Second Motion to Authorize *In Custodia Legis* Expenses, Plaintiff's First Motion to Distribute Proceeds of Sale, the pleadings, prior orders, findings and other matters properly before the Court, **ORDERS** as follows:

(1) Plaintiff's unopposed Second Motion to Authorize *In Custodia Legis* Expenses (Doc. 69) is **GRANTED**, in the amount of \$239,963.17 USD, which, together with the \$455,407.20 USD authorized by the Court's Order dated July 14, 2016 (Doc. 48), covers *in custodia legis* expenses incurred by Plaintiffs through August 8, 2016. (Doc. 69-1, at 3, 8.)

(2) Plaintiff's unopposed First Motion to Distribute Proceeds of Sale (Doc. 77) is **GRANTED**, in the amount of \$695,370.37 USD.

(3) The Clerk is ordered to disburse \$695,370.37 USD from the funds held in the Court's registry in relation to this matter to Plaintiff's counsel's escrow account, the details of which shall be provided directly to the Clerk by Plaintiff's counsel under separate cover.

ORDER ENTERED at Augusta, Georgia, this 12th day of September, 2016.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA