

**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.) 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 requested to be distributed to Plaintiffs of \$695,370.37 USD. (Doc. 77.) On September 12, 2016, the Court entered an order: (a) granting Plaintiffs' Second Motion to Authorize *In Custodia Legis* Expenses and First Motion to Distribute Proceeds of Sale, and authorizing the Clerk to disburse to Plaintiffs \$695,370.37 USD from the funds held in the Court's registry in relation to this matter. (Doc. 81.)

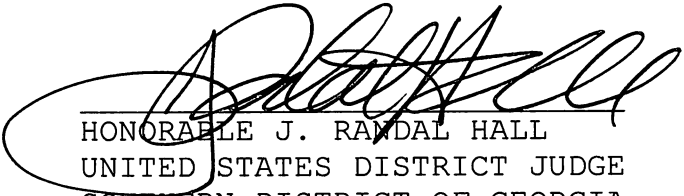
On September 27, 2016, Plaintiffs filed their Third Motion to Authorize *In Custodia Legis* Expenses seeking the authorization of certain additional *in custodia legis* expenses, above those authorized by the Court in its Order dated September 12, 2016, in the amount of \$9,320.54 USD incurred through August 21, 2016.¹ (Doc. 86.) Defendants' response to that motion was

¹ The subject vessel for which Plaintiffs have incurred *in custodia legis* expenses in relation to this matter was sold to a third party via interlocutory admiralty sale on August 8, 2016, and this sale was confirmed by the Court on August 16, 2016. (Docs. 66, 75.) On August 19, 2016, a bill of sale was issued to the third-party buyer for the subject vessel. (Doc.

therefore due on or before October 4, 2016; to date, Defendants have failed to respond to Plaintiffs' motion.

Upon due consideration, Plaintiffs' Third Motion to Authorize *In Custodia Legis* Expenses (Doc. 86) is **GRANTED**, in the amount of \$9,320.54 USD, which, together with the \$695,370.37 USD previously authorized by the Court's Orders dated July 14 and September 12, 2016 (Docs. 48, 81), covers *in custodia legis* expenses incurred by Plaintiffs through August 21, 2016. (Doc. 86-1, at 2-3, 6-7.)

ORDER ENTERED at Augusta, Georgia, this 7th day of October, 2016.


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

79.) At 10:42 a.m. on August 21, 2016, the subject vessel was delivered to the third-party buyer. (Doc. 86-1, ¶ 8.)