IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CHAD BARRY BARNES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Civ. No. 13-00002 ACK-RLP**
	)	
SEA HAWAII RAFTING, LLC,	)	
KRIS HENRY, M/V TEHANI,	)	
et al.	)	
	)	
Defendants.	)	
	)	

**DIRECTIVE TO THE UNITED STATES
BANKRUPTCY COURT FOR THE DISTRICT OF HAWAII**

Pursuant to the decision of the Ninth Circuit in

Barnes v. Sea Hawaii Rafting, LLC, 889 F.3d 517 (9th Cir. 2018),

this Court directs that the bankruptcy court transfer to this

Court the $10,000.00 in rental income which the bankruptcy court

received for use of the M/V Tehani, and which this Court

understands is held in the bankruptcy proceedings involving Sea

Hawaii Rafting, LLC (Bankr. Case No. 14-01520). See, e.g.,

Barnes, 889 F.3d at 524, 532-35.

The Court understands that the bankruptcy court

indicated in its Memorandum of Decision on Motions for Relief

from Stay and Barton Doctrine and for Sanctions, filed on May

21, 2018, that it found no authority as to whether or not

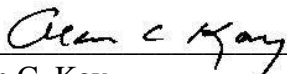Plaintiff Barnes is entitled to such rental income. Bankr. Case

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No. 14-01520, Dkt. No. 300 at p. 9 n.26. However, the Ninth

Circuit held in its decision that the M/V Tehani had been in the

constructive control of this Court, that this Court's

jurisdiction over the vessel was exclusive, and that the

bankruptcy court lacked jurisdiction over the vessel. Barnes,

889 F.3d at 524, 532-35. Accordingly, it appears appropriate

that the $10,000.00 in rental income from use of the M/V Tehani

should be transferred to this Court.

        The Court notes that these funds will then be

available to Plaintiff Barnes to proceed with his intended

pursuit of the seizure of the M/V Tehani, including funds to

prepay the required fees for seizure under the admiralty rules.

    IT IS SO ORDERED.

    DATED: Honolulu, Hawaii, June 29, 2018.

_____
Alan C. Kay
Sr. United States District Judge