

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS  
AT EAST ST. LOUIS**

IN THE MATTER OF MCGINNIS, INC.	:	CASE NO. 3:09-CV-676-DRH
AS OWNER AND NATIONAL	:	
MAINTENANCE & REPAIR, INC. AS	:	
OWNER <i>PRO HAC VICE</i> OF THE M/V	:	
HARTFORD BEAVER FOR	:	<u>IN ADMIRALTY</u>
EXONERATION FROM OR	:	
LIMITATION OF LIABILITY	:	

**ORDER FOR AD INTERIM STIPULATION AND DIRECTING  
ISSUANCE OF NOTICE AND RESTRAINING SUITS**

McGinnis, Inc. as owner of the M/V Hartford Beaver and National Maintenance & Repair, Inc. as owner *pro hac vice* of the M/V Hartford Beaver (hereinafter collectively referred to as “Petitioners”), by and through counsel, having moved the Court for the entry of an ad interim stipulation and directing the issuance of notice and restraining suits; and having on the 28th day of August, 2009 filed a Complaint for Exoneration From or Limitation of Liability in respect to any loss, damage, or injury arising out of an alleged incident of March 11, 2009 in which the M/V Hartford Beaver sank as Petitioners have set forth in their Complaint, the facts and circumstances upon which said exoneration from and limitation of liability are claimed, and having shown the value of their interest in the M/V Hartford Beaver, and having further prayed for leave to file a stipulation for the amount of said appraised value, and it appearing that Petitioners desire, pending such appraisal, if any is necessary, to give an ad interim stipulation and to obtain an order directing issuance of notice and to obtain a restraining order;

NOW, on these proceedings and on pleadings that have been duly filed in this proceeding from which it appears that the value of Petitioners’ interest in the M/V Hartford Beaver did not exceed the sum of \$30,000;

AND, on filing the ad interim stipulation and Letter of Undertaking for value being duly executed by Petitioners, the sum of \$30,000 with interest at the rate of six percent (6%) per annum from the date of the Letter of Undertaking, after the entry of an order hereby appraising the value of Petitioners' interest in the M/V Hartford Beaver, the amount so fixed, or within said time to file in this court a stipulation of value in the usual form, and that pending such payment into court, said Letter of Undertaking and said ad interim stipulation shall stand as approved security in these proceedings; it is hereby

ORDERED and ADJUDGED that the execution and filing of said ad interim stipulation shall be without prejudice to the due appraisal of Petitioners' interest under order of this Court, if such is deemed necessary by the Court, of any exceptions thereto any party may have leave to apply to have the amount of said stipulation increased or decreased, as the Court may direct; And it is further

ORDERED and ADJUDGED that a notice shall be issued to all persons set forth on attached schedule "A" who may claim damage for any and all loss, injury, or damages arising out of or occurring by reason of the incident which allegedly occurred on March 11, 2009, involving the maritime incident described in Petitioners' Complaint, citing them to file their claims with the Clerk of Court in writing and to serve copies thereof on attorneys for Petitioners on or before October 30, 2009, and directing any person, firm, or corporation or other entity, private or public, claiming damages as aforesaid, who shall desire to contest the claims of Petitioners, shall answer said petition; And it is further

ORDERED and ADJUDGED that public notice shall be given by publication thereof in the St. Louis Post-Dispatch published in the city of St. Louis, Missouri as provided by Rule F(4) of the Supplemental Rules for Admiralty and Maritime Claims of the United States Supreme Court, and

Petitioners shall also mail, not later than one day after the second publication, a copy of said public notice to every person, firm, or corporation known to have made any claim against the M/V Hartford Beaver and/or Petitioners arising out of said incident; And it is further

ORDERED and ADJUDGED that a restraining order be issued from this Court restraining and enjoining all claims and proceedings against the M/V Hartford Beaver and Petitioners in any court whatsoever, except in this proceeding for limitation in respect to any matter arising out of or in conjunction with the aforesaid alleged incident on March 11, 2009 and providing that any pending actions against said vessel and Petitioners shall cease and that the Court enjoin the further prosecution of any action or proceeding against the M/V Hartford Beaver and Petitioners with reference to any claim arising out of or connected with the aforesaid alleged incident until the termination of this proceeding.

Dated this 2nd day of September, 2009.

*/s/ David R. Herndon*

Chief Judge  
United States District Court

Copies to:

Todd M. Powers  
Megan C. Ahrens  
Schroeder Maundrell Barbieri & Powers  
5300 Socialville-Foster Rd., Suite 200  
Mason, Ohio 45040  
513-583-4200 Tel.  
513-583-4203 Fax  
[tpowers@smbplaw.com](mailto:tpowers@smbplaw.com)  
[mahrens@smbplaw.com](mailto:mahrens@smbplaw.com)  
*Attorneys for Petitioners*

**SCHEDULE A**

Fritz G. Faerber  
Christine E. Anderson  
FAERBER & ANDERSON, P. C.  
720 Olive Street, Suite 2260  
St. Louis, MO 63101  
*Attorneys for Deering*