

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

CIVIL ACTION

IN THE MATTER OF MARQUETTE  
TRANSPORTATION COMPANY GULF-  
INLAND, LLC, AS OWNER AND  
OPERATOR OF THE TOWING VESSEL  
FATHER SEELOS, ETC.

NO. 13-5114

SECTION: R

**ORDER**

On July 18, 2013, Marquette Transportation Company Gulf-Inland LLC, as owner and operator of the towing vessel *Father Seelos*, filed a complaint seeking exoneration from or limitation of liability regarding any loss, damage or injury caused by a collision between *Father Seelos* and a vessel owned by John Tran. On July 31, 2013, the Court issued an order that restrained, stayed, and enjoined the further prosecution of any and all actions arising from the aforementioned collision.<sup>1</sup>

Claimants Susan Tran (individually and as a personal representative and widow of the decedent, John Tran, on behalf of herself and her minor child, Marsha Tran), Quoc Tran, Jeanie Tran, and Nancy Pham filed a stipulation on March 31, 2014, agreeing that Marquette is entitled to litigate all issues relating to limitation of liability in federal court and waiving any claim of *res judicata* relevant to any issue related to limitation of liability based on any judgment in any court other

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<sup>1</sup> R. Doc. 5.

than this one.<sup>2</sup> Claimants further stipulated that they will not seek or enforce any judgment in excess of the value of the *Father Seelos* and her freight pending the adjudication in this Court of the petition seeking limitation of liability.<sup>3</sup> They now move to lift the stay issued by this Court so they may prosecute a claim against Marquette in Louisiana state court.<sup>4</sup> Marquette not opposed the motion.

A federal district court may dissolve an injunction against any state court proceedings if it concludes that the vessel owner's right to seek limitation of liability will be adequately protected. *Lewis v. Lewis & Clark Marine, Inc.*, 531 U.S. 438, 451-52 (2001) (concluding that the vessel owner's rights were protected by petitioner's stipulation that his claim did not exceed the limitation fund, his waiver of any defense of res judicata with respect to limitation of liability, and the district court's decision to stay the Limitation Act proceedings pending state court proceedings). *Accord In re Complaint of FKM, Inc., for Exoneration from or Limitation of Liab.*, 122 F. App'x 783, 784 (5th Cir. 2005). Because claimants have stipulated to Marquette's right to limit its liability to the value of the *Father Seelos* and its freight, and because they have waived any

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<sup>2</sup> R. Doc. 22.

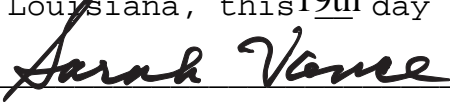
<sup>3</sup> *Id.*

<sup>4</sup> R. Doc. 24.

defense of *res judicata* with respect to limitation of liability,  
the Court GRANTS claimants' motion. Accordingly,

IT IS HEREBY ORDERED that the Court's injunction against the prosecution of any and all actions arising from the collision of the *Father Seelos* and the vessel owned by John Tran is lifted for the limited purpose of permitting the aforementioned claimants to pursue an action against Marquette in Louisiana state court.

New Orleans, Louisiana, this 19<sup>th</sup> day of June, 2014.

  
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SARAH S. VANCE  
UNITED STATES DISTRICT JUDGE