

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

FILED  
U.S. DIST. COURT  
MIDDLE DISTRICT OF LA

**IN THE MATTER OF THE COMPLAINT  
OF ECKSTEIN MARINE SERVICE, LLC  
d/b/a MARQUETTE TRANSPORTATION  
CO. GULF-INLAND, LLC as owner of the M/V  
SEA DRIFT FOR EXONERATION FROM OR  
LIMITATION OF LIABILITY**

**CIVIL ACTION NO.:**

09-81-0000-20

**SECTION:**

BY DEPUTY CLERK

**JUDGE:**

09-81-JJB-SCR

---

**ORDER APPROVING LIMITATION PLAINTIFF'S  
STIPULATION FOR VALUE, DIRECTING ISSUANCE OF  
NOTICE AND RESTRAINING PROSECUTION OF CLAIMS**

A Complaint having been filed herein on the 6<sup>th</sup> day of February, 2009, by Eckstein Marine Service, LLC, d/b/a Marquette Transportation Co. Gulf-Inland, LLC, as owner, (Limitation Plaintiff), of the M/V SEA DRIFT, a towing vessel bearing USCG Doc. No. 1045761, for exoneration from or limitation of liability, pursuant to 46 U.S.C. §§181-195 and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, for any loss, damage, or injury, caused, occasioned or occurring on the voyage of the said Vessel on or about August 7, 2007 on the Intracoastal Waterway on the Morgan City Port Allen route in the vicinity of Iberville Parish, as more fully described in the Complaint;

And the Complaint having stated that the value of Limitation Plaintiff's interest in the said Vessel and its pending freight at the end of such voyage does not exceed \$2,003,400.00, as set forth in the Limitation Plaintiff's Complaint, the Affidavit of Ronnie Dupuy, attached to Limitation Plaintiff's Complaint as Exhibit "A" and the Valuation of Hjalmar Breit, attached to Limitation Plaintiff's Complaint as Exhibit "B";

And the Limitation Plaintiff having deposited with the Court as security for the benefit of claimants an Ad Interim Bond for Stipulation for Value not less than equal to the amount or value of Limitation Plaintiff's interest in the said Vessel and its pending freight in the sum of \$2,003,400.00, with interest at six percent (6%) per annum from its date;

NOW, on motion of Limitation Plaintiff, **IT IS ORDERED** as follows:

1) The above-described Ad Interim Bond for Stipulation of Value deposited by the Limitation Plaintiff with the Court for the benefit of claimants in the amount of \$2,003,400.00, with interest as aforesaid, as security for the amount or value of the Limitation Plaintiff's interest in the M/V SEA DRIFT, be and it is hereby approved.

2) The Court, upon motion, shall cause due appraisalment of such value and may thereupon order the said security increased or reduced if it finds the amount thereof insufficient or excessive; and, upon demand, the Court may similarly order such increase or reduction if it finds that such an order is necessary to carry out the provisions of 46 U.S.C. §§181-195, as amended.

3) A notice shall be issued by the Clerk of this Court to all persons asserting claims with respect to which the Complaint seeks limitation admonishing them to file their respective claims with the Clerk of this Court in writing, and to serve on the attorneys for the Limitation Plaintiff a copy thereof on or before the 17th day of March, 2009, or be defaulted, and that if any claimant desires to contest either the right to exoneration from or the right to limitation of liability he shall file and serve on attorneys for Limitation Plaintiff an answer to the Complaint, so designated, or be defaulted.

4) The aforesaid notice shall be published in the newspaper of general circulation in the City of Baton Rouge, namely *The Advocate*, once a week for four (4) successive weeks prior

to the date fixed for the filing of claims, as provided by the aforesaid Rule F; and copies of the notices shall also be mailed in accordance with the said Rule F.

5) The further prosecution of any and all actions, suits and proceedings already commenced and the commencement or prosecution thereafter of any and all suits, actions, or proceedings, of any nature and description whatsoever in any jurisdiction, including Civil Action entitled *Joyce W. Griffin, et al, Each Individually, And, On Behalf Of All Other Individuals Similarly Situated vs. Eckstein Marine Service, LLC*, Suit No. 66836, in the 18<sup>th</sup> Judicial District Court, Parish of Iberville, and the taking of any steps and the making of any motion in such actions, suits, or proceedings against Limitation Plaintiff, as aforesaid, against the M/V SEA DRIFT, her crew, against any employees, agents, representatives, or property of Limitation Plaintiff, or against Limitation Plaintiff's Underwriters, except in this action, to recover damages for or in respect of any loss, damage or injury, occasioned or incurred on the said voyage of the M/V SEA DRIFT, as alleged in the Complaint, be and they hereby are restrained, stayed, and enjoined until the hearing and determination of this action.

6) Service of this order as a restraining order may be made through the Post Office by mailing a conformed copy thereof to the person or persons to be restrained, or to their respective attorneys, or alternatively by hand.

Baton Rouge, Louisiana, this 10<sup>th</sup> day of February, 2009.

UNITED STATES DISTRICT JUDGE

JAMES J. ORR