

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

IN THE MATTER OF ARCHER DANIELS
MIDLAND COMPANY, AS OWNER, AND
AMERICAN RIVER TRANSPORTATION
COMPANY, AS THE OPERATOR, OF
THE M/V CRIMSON GEM, OFFICIAL NO.
557019, PRAYING FOR EXONERATION
FROM OR LIMITATION OF LIABILITY

CIVIL ACTION

NO. 11-773-BAJ-SCR

**ORDER APPROVING SECURITY,
DIRECTING ISSUANCE OF NOTICE, AND
RESTRAINING PROSECUTION OF CLAIMS**

A Complaint having been filed herein on the 14th day of November, 2011, by Archer Daniels Midland Company and American River Transportation Company, as owner and operator, respectively, of the M/V CRIMSON GEM, claiming exoneration from or limitation of liability, as provided in 46 U.S.C. §181, *et seq.*, for all losses, damages, deaths, injuries, or destruction allegedly occurring during the voyage of the vessel referred to in the Complaint, to which complainants have attached and filed an affidavit as to the value of their interest in the said vessel and pending freight, if any; and complainants having filed a bond for costs and Letters of Undertaking for the value of the vessel and her pending freight, if any, as required by the rules of the Court and the law;

NOW THEREFORE, on motion of Mouledoux, Bland, Legrand & Brackett, attorneys for complainants:

IT IS ORDERED that the payment of costs in the sum of **TWO HUNDRED FIFTY AND NO/100 (\$250.00) DOLLARS**, made on the 14th day of November, 2011 by Complainants, is accepted and approved as to quantum and form; and

IT IS FURTHER ORDERED that the Letter of Undertaking in the total amount of **FIVE MILLION AND NO/100 (\$5,000,000.00) DOLLARS**, with interest thereon at the rate

of six (6%) percent per annum from date hereof, executed on the 9th day of November, 2011, by complainants' Primary Underwriter, Agrinational Insurance Company, and filed herein by complainants, be accepted as security for the purpose of this limitation proceeding and that it is approved as to form, quantum and surety; and

IT IS FURTHER ORDERED that the Letters of Undertaking in the total amount of **THREE MILLION FIVE HUNDRED THOUSAND AND NO/100 (\$3,500.000.00) DOLLARS**, with interest thereon at the rate of six (6%) percent per annum from date hereof, executed on the 9th day of November, 2011, by complainant's Excess Underwriters, Indemnity Insurance Company of North America and Navigators Insurance Company, and filed herein by complainants, be accepted as security for the purpose of this limitation proceeding and that it is approved as to form, quantum and surety; and

IT IS FURTHER ORDERED, in accordance with Rules F(4) and F(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, that Notice shall issue out of and under seal of this Court to all persons asserting claims with respect to which the Complaint seeks exoneration or limitation admonishing them to file their respective claims, in writing, with the Clerk of this Court and serve a copy on attorneys for complainants **on or before Monday, February 20, 2012, at 5:00 a.m.** and requiring any claimant who desires to contest either the right to exoneration from liability or the right to limitation of liability to file and serve on complainants' attorneys an answer to the Complaint, unless his claim has included an answer, on or before the date aforementioned or be defaulted; and

IT IS FURTHER ORDERED that the aforesaid Notice be published by counsel for complainants in The ADVOCATE, a newspaper of general circulation in the City of Baton Rouge, Louisiana, once each week for four consecutive weeks prior to the date fixed for the filing of claims, as set forth in the said Notice, and copies of the Notice shall also be mailed, in accordance with the same Supplemental Rule F; and

IT IS FURTHER ORDERED that the beginning or prosecution of any and all suits, actions or legal proceedings of any nature or description whatsoever against complainants, their insurers or underwriters, or the M/V CRIMSON GEM or against any property of complainants except in these proceedings in respect of any claims arising out of or consequent upon or connected with any loss, damage, death, injury or destruction resulting from the matter referred to in the Complaint be, and they are hereby, stayed and restrained until the hearing and determination of this proceeding; and

IT IS FURTHER ORDERED that service of this restraining order be made by complainants by mailing a duly certified copy thereof to prospective claimants by United States mail, registered or certified, with first class postage prepaid.

Baton Rouge, Louisiana, January 9, 2012.

A handwritten signature in blue ink, appearing to read "Brian A. Jackson", is written over a horizontal line.

BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA