

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

St. Clair Marine Salvage, Inc.,

Plaintiff,

Case No. 2:12-cv-15027

v.

Sean F. Cox
United States District Judge

Renee Clous,

Laurie J. Michelson
United States Magistrate Judge

That certain unnamed 1997 31 foot Cruisers, MC
No. 2859RL, her engines, tackle, apparel, furniture,
equipment and all other necessities appertaining
and belonging,

Defendant.

ORDER
REQUIRING PLAINTIFF ST. CLAIR MARINE SALVAGE, INC. TO FILE A
SUPPLEMENTAL BRIEF

Plaintiff St. Clair Marine Salvage filed a motion requesting that this Court issue an arrest warrant for a 31 foot fishing vessel. (Docket No. 2.) The Plaintiff relies on Rule C(3) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions as authority for this Court to issue such an order. (*Id.* at 3.) That rule states, that “if the conditions for an in rem action appear to exist, the court must issue an order directing the clerk of the court to issue a warrant for the arrest of the vessel or other property that is subject of the action.” *See* Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Rule C(3).

In support of its motion, the Plaintiff attached a Salvage Agreement as support for its assertion that it has a first priority lien. The Defendant did not attach a copy of the lien in the

docket. It is unclear whether the Plaintiff is asserting that it has a first priority implied lien in the context of towage. No response to the motion was filed.

IT IS ORDERED that the Plaintiff shall file a supplemental brief by **December 21, 2012**, describing whether or not its lien is express or implied and the basis for its first priority status. If the lien is an express lien, the Plaintiff shall provide a copy of that lien in the docket.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: December 14, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 14, 2012, by electronic and/or ordinary mail.

S/Jennifer McCoy
Case Manager