

Case 2:08-cv-00401-JAG-ES Document 1-5 Filed 01/18/2008 Page 1 of 3

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
IN THE MATTER OF THE COMPLAINT

of

SEA WOLF MARINE, INC., and SEA  
WOLF MARINE TOWING, INC., owners  
and owners *pro hac vice* of the Tugboat  
SEA BEAR for Exoneration from or  
Limitation of Liability

Civil No.:

**ORDER RESTRAINING SUITS  
APPROVING PETITIONERS' AD  
INTERIM SECURITY, AND  
DIRECTING ISSUE OF NOTICE AND  
THE FILING OF CLAIMS**

A Complaint having been filed herein on January 18, 2008, by the above-named Petitioners as owner and owner *pro hac vice* of the Tugboat SEA BEAR (hereinafter the "vessel"), for Exoneration from or Limitation of Liability, pursuant to 46 U.S.C. §§ 30501 *et seq.* and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure concerning any loss, damage, or injury alleged by IVAN CAMPOS, or others on or about November 22, 2006, while the vessel was upon navigable waters in the Port of New York/New Jersey, County of Hudson, State of New Jersey as more fully described in the Complaint;

**AND** the Complaint having stated that the value of the Petitioners' interest in the vessel did not exceed the sum of \$275,000.00 on the date of the incident;

**AND** the Petitioners having filed with the Court security for the benefit of claimants, pursuant to an *Ad Interim* Security dated January 18, 2008, with surety, equal to the amount or value of Petitioners' interest in the said vessel, with interest at six percent (6%) per annum from the date hereof, executed by Northern Assurance Company of America:

**NOW**, on motion of RUBIN, FIORELLA & FRIEDMAN LLP, attorneys for Petitioners,  
it is

**ORDERED** that the above-described *Ad Interim* Security, in the sum of \$275,000.00 with interest as aforesaid, filed by the Petitioners for the benefit of claimants as security for the Petitioners' interest in the vessel, be and is hereby approved, and

**IT IS FURTHER ORDERED** that the Court, upon proper motion, shall cause appraisalment of the value of the vessel and may thereupon order said security increased or reduced if it finds the amount thereof insufficient or excessive, and

**IT IS FURTHER ORDERED** that any claimant in these proceedings may express, upon good cause shown and by written notice filed with the Court and served upon all parties of record, its dissatisfaction with Northern Assurance Company of America, RLI Marine, Inc., and Fireman's Fund Insurance Company, as surety. In the event of such notice, Petitioners shall within thirty (30) days of the entry of an order by the Court concerning the surety, cause security to be posted in the form provided by Supplemental Rule F(1) of the Federal Rules of Civil Procedure and satisfactory to this Court, failing which the injunction entered concurrently herewith will be vacated as to all claimants, and the Court will make such further orders as the justice of the cause may require, and

**IT IS FURTHER ORDERED** that a Notice shall be issued by the Clerk of this Court to all persons asserting claims or suits with respect to which the Complaint seeks Exoneration from or Limitation of Liability admonishing them to file their respective claims with the Clerk of this Court, in writing, and to serve on the attorneys for the Petitioners a copy thereof, **on or before the 3<sup>rd</sup> day of April 2008**, or be defaulted; that if any claimant desires to contest either the right to Exoneration from or the right to Limitation of Liability, such Claimant shall file and serve on the attorneys for the Petitioners an Answer to the Complaint on or before the said date, unless the claim has included an Answer to the Complaint, so designated, or be defaulted, and

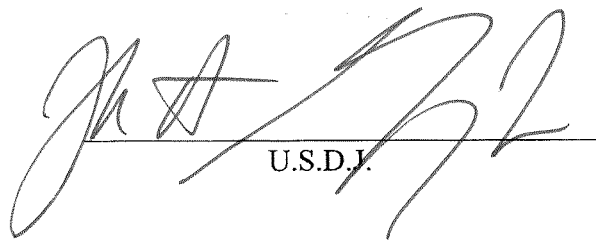
**IT IS FURTHER ORDERED** that the aforesaid Notice shall be published in *The Star*

*Ledger*, a newspaper with a general circulation including Hudson County, New Jersey, once a week for four (4) weeks before the return date of said Notice, as provided by the aforesaid Supplemental Admiralty Rule "F" and copies of said Notice shall be mailed by Petitioners in accordance with the rule to every person known to have any claim against the vessel or Petitioners, or to their attorney, and

**IT IS FURTHER ORDERED** that the further prosecution of any and all actions, suits and proceedings already commenced and the commencement or prosecution hereafter of any and all suits, actions, or proceedings of any nature and description whatsoever in any Court of any jurisdiction, or otherwise, against the Petitioners, insurers and/or the vessel, and the taking of any steps and the making of any motion in such actions, suits or proceedings except in this action, to recover damages for or in respect to the aforesaid incident alleged in the Complaint, be and they hereby are restrained, stayed and enjoined until the hearing and determination of this action, and all warrants of arrest and/or attachment issued or sought in such other suits, actions or legal proceedings be and the same are hereby dissolved and further warrants of arrest and/or attachment are hereby prohibited, and

**IT IS FURTHER ORDERED** that service of this Order as a restraining order 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.

Dated: Newark, New Jersey  
February 7<sup>th</sup>, 2008  
January 7<sup>th</sup>, 2008

  
U.S.D.J.