

PIERCE ATWOOD LLP
Attorneys for Petitioner
100 Summer Street
Suite 2250
Boston, MA 02110
Tel: (617) 488-8100
Fax: (617) 824-2020
Brad Gandrup, Jr. (BG 6178)
bgandrup@pierceatwood.com

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y
★ MAR 27 2014 ★
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

In the Matter of the Complaint)
)
 of)
)
 L&G FISHERIES LLC as Owner and Operator of)
 the F/V JASON & DANIELLE, O.N. 1183113,)
 Her Engines, Machinery, Tackle, Apparel,)
 Appurtenances, etc., for Exoneration from or)
 Limitation of Liability,)
)
 Petitioner.)
_____)

**ORDER RESTRAINING SUITS, APPROVING PETITIONER'S SECURITY,
DIRECTING ISSUE OF NOTICE AND THE FILING OF CLAIMS**

WHEREAS, a Complaint having been filed herein on March 6, 2014, by Petitioner L&G Fisheries LLC ("L&G" or "Petitioner"), as owner and operator of F/V JASON & DANIELLE (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 Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure concerning any alleged claims, damages, and/or losses arising out of a fatality which occurred aboard the Vessel on or about September 7, 2013, as more fully described in the Complaint;

{W4124680.1}

WHEREAS, the Complaint has stated the facts and circumstances upon which Exoneration from or Limitation of Liability are claimed;

WHEREAS, the Complaint and Valuation Opinion established that the value of Petitioner's interest in the Vessel and her pending freight did not exceed the sum of \$1,700,000.00 on the date of the incident;

WHEREAS, Petitioner filed with the Court an Ad Interim Stipulation for Value and Letter of Undertaking dated March 7, 2014, for the benefit of any and all claimants, equal to the amount or value of Petitioner's interest in the Vessel, with interest at six percent (6%) per annum from the date hereof;

WHEREAS, it appears that claims may be made against the Petitioner and/or the Vessel for losses, damages, casualties or injuries alleged to have been sustained during the voyage upon which the Vessel was then engaged; and,

WHEREAS, Petitioner will deposit with the Court within ten (10) days of this Order the amount of \$250.00 as security for costs in accordance with Rule F(1) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure.

NOW, upon motion of PIERCE ATWOOD LLP, attorneys for Petitioner:

IT IS HEREBY ORDERED that the above-described Ad Interim Stipulation for Value and Letter of Undertaking in the sum of \$1,700,000.00 with interest as described above, filed by Petitioner for the benefit of any and all claimant(s) as security representing Petitioner's interest in the Vessel and her pending freight, be and is hereby approved; and,

IT IS FURTHER ORDERED that the Stipulation for Costs in the amount of \$250.00 deposited by Petitioner with the Clerk of the Court as provided by Rule F(1) of the Supplemental

Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure is approved as sufficient security for costs; and,

IT IS FURTHER ORDERED that the Court, only upon motion and good cause shown, 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, by written notice filed with the Court and served upon all parties of record, its dissatisfaction with the Ad Interim Stipulation for Value and Letter of Undertaking. In this event, Petitioner shall within thirty (30) days of the entry of an order by the Court concerning the Ad Interim Stipulation for Value or Letter of Undertaking, cause security to be posted in the form provided by Rule F(1) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions 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 justice may require; and,

IT IS FURTHER ORDERED that a Notice shall be issued by the Clerk of the Court to all persons asserting claims or suits with respect to which the Complaint seeks Exoneration of 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 Petitioner a copy thereof, ON OR BEFORE THE 16th DAY OF May, 2014, or be defaulted; and 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 Petitioner, PIERCE ATWOOD, LLP, 100 Summer Street, Boston, Massachusetts 02110, an Answer to the Complaint on or before the above

referenced date, unless the claim has included and Answer to the Complaint, so designated, or be defaulted; and,

IT IS FURTHER ORDERED that the above referenced Notice shall be published in the ~~New York Law Journal~~ ^{NEWS DAY} ~~New York Law Journal~~, a newspaper with general circulation ^{in Long Island, NY} once a week for four (4) weeks before the return date of said Notice, as provided in the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure and copies of the notice shall be mailed by Petitioner in accordance with such rule to every person known to have made any claims against the Vessel of Petitioner, or to his attorneys; 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 Vessel owner, 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 of the casualty more fully described in the Complaint, be and they are hereby 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 United States Post Office or by Federal Express by mailing a true and correct copy hereof to the person or persons to be restrained, or to their respective attorneys.

Dated: March 7, 2014

s/ Sandra J. Feuerstein

U.S.D.J.