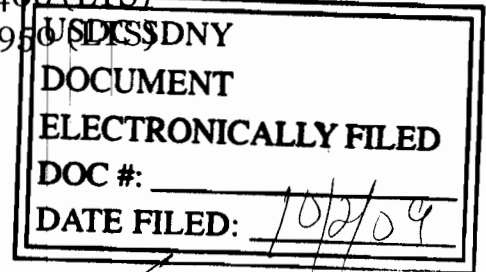


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ECF  
07 CV 7406 (LTS)  
08 CV 6980 (LTS) SDNY



ENERGIZER, S.A.,  
- against -  
Plaintiff,

M/V YM GREEN, etc., et al.,  
Defendants.

WARTA INSURANCE, et al.,  
- against -  
Plaintiffs,

M/V YM GREEN, etc., et al.,  
Defendants.

NOTICE OF MOTION OF  
DEFENDANTS, YANG MING  
MARINE TRANSPORT CORP., YANG  
MING (U.K.) LTD., AND ALL  
OCEANS TRANSPORTATION INC.,  
TO DISMISS OR STAY INDEMNITY  
AND CONTRIBUTION  
CROSSCLAIMS BETWEEN THEM-  
SELVES AND CODEFENDANT,  
KAWASAKI KISEN KAISHA LTD.

The undersigned will move this Court before the Hon. Laura Taylor Swain, U.S.D.J., at the Courthouse at 500 Pearl Street, New York, New York for an order pursuant to Chapter 2 of the Federal Arbitration Act at 9 U.S.C. for an order dismissing or staying all contribution and indemnity claims, crossclaims, and counterclaims, however denominated, between moving defendants, YANG MING MARINE TRANSPORT CORP., YANG MING (U.K.) LTD., and ALL OCEANS TRANSPORTATION INC., and

This motion (Docket # 108) is dismissed as moot in light of the stipulation of partial dismissal (docket #115)

SO ORDERED: DATE: 10/1/2009  
*Gabriel W. Gorenstein*  
GABRIEL W. GORENSTEIN  
UNITED STATES MAGISTRATE JUDGE