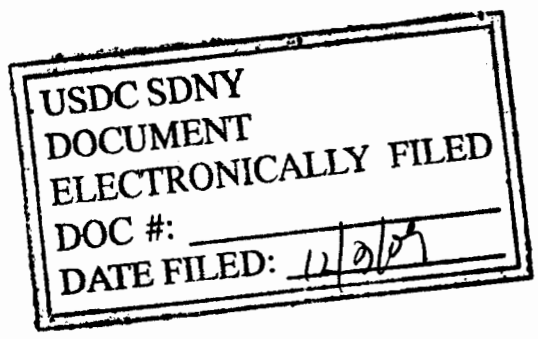


CHALOS, O'CONNOR & DUFFY, LLP
Attorneys for Plaintiff
366 Main Street
Port Washington, New York 11050
Tel: (516) 767-3600 / Fax: (516) 767-3605
Owen F. Duffy (OD-3144)
George K. Kontakis (GK-0484)



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LEINSTER INTER S.A.,

Plaintiff,

09 CV 03874 (SHS)

v.

ORDER OF DISMISSAL

BOTLEY LIMITED a/k/a BOTLEY LTD.,

Defendant.

-----X

WHEREAS, by order dated April 20, 2009, this Court issued, pursuant to Rule B of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure, an Order for Process of Maritime Attachment in favor of plaintiff LEINSTER INTER S.A.

Leinster Inter S.A. v. Botley Limited

Doc. 9

(hereinafter "LEINSTER") against defendant BOTLEY LIMITED (hereinafter "BOTLEY"); and

WHEREAS, LEINSTER served a Process of Maritime Attachment and Garnishment upon several garnishee banks located in New York; and

WHEREAS, pursuant to the Order for Process of Maritime Attachment, plaintiff LEINSTER has attached \$41,721.49 of BOTLEY's funds at garnishee bank JPMorgan Chase, when an electronic funds transfer ("EFT's"), on route either to or from BOTLEY's overseas bank account, was being processed in New York by this intermediary bank; and

WHEREAS, by order dated June 29, 2009, this Court directed garnishee JPMorgan Chase to transfer the restrained EFT into the Registry of the Court; and

WHEREAS, the United States Court of Appeals for the Second Circuit in *Shipping Corporation of India, Ltd. v. Jaldhi Overseas Pte Ltd.*, ----- F.3d ----, 2009 WL 3319675 (2d. Cir. October 16, 2009), held that EFT's being processed by an intermediary bank are not

property subject to attachment under Rule B:
IT IS HEREBY ORDERED, that the above-referenced attachment, and any other attachments of EFT's pursuant to the subject action, are vacated; and

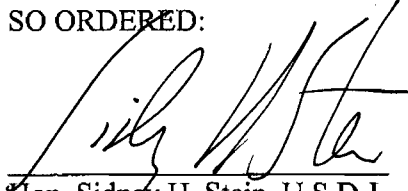
WHEREAS, by letter dated Nov 19, 2009 defendant sought the release of the, untransferred funds on the basis of Jaldhi and Shankret,

IT IS FURTHER ORDERED, that the Clerk of the Court be directed to release the funds presently deposited in the Registry of the Court as instructed by counsel for defendant, Messrs. Chalos O'Connor & Duffy; and

SMS
~~IT IS FURTHER ORDERED, that garnishees JPMorgan Chase, and any other garnishees, which have attached EFT's of BOTLEY, shall release such wire transfers as instructed by counsel for the defendant, Messrs. Chalos O'Connor & Duffy, and~~

IT IS FURTHER ORDERED, that the instant action is dismissed with prejudice and with each party to bear its own costs.

Dated: New York, New York
November 19, 2009
Seidler J

SO ORDERED:

Hon. Sidney H. Stein, U.S.D.J.