UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEAL SUPERYACHTS (MALDIVES) PVT. LTD.,

Plaintiff,

-against-

RAYMOND LIMITED,

Defendant.

ORDER

09 Civ. 06468 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

Plaintiff Seal Superyachts (Maldives) Pvt. Ltd. commenced this action on July 21, 2009 by filing a Verified Complaint seeking $1,018,434.06 in damages and applying for an ex parte order for Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. On September 18, 2009, at the direction of the Court, Plaintiff filed an Amended Verified Complaint. The property Plaintiff sought to attach took the form of electronic fund transfers ("EFTs") that would allegedly be processed by intermediary banks in New York.

On October 16, 2009, the Second Circuit decided Shipping Corporation of India Ltd. v. Jaldhi Overseas Pte Ltd., 08-3477-cv (L), 08-3758-cv (XAP). In that decision, the court, with the consent of all of the judges in active service, overruled Winter Storm Shipping, Ltd. v. TPI, 310 F.3d 263, 278 (2d Cir. 2002), concluding "that EFTs being processed by an intermediary bank are not subject to attachment under Rule B." Shipping Corp. of India, at *1-2. On October 28, 2009 the Court issued an order denying Plaintiff's amended application for Process of Maritime Attachment and Garnishment in light of this new precedent. The Court stated it would reconsider whether the requirements of Rule B were met if Plaintiff renewed its

application for Process of Maritime Attachment by November 10, 2009, setting forth the bases for its belief that the Defendant's property, in a form other than EFTs, might be found within this District.

No Amended Verified Complaint or affidavit showing good cause why the case should not be dismissed was received by the Court. Accordingly, the action is dismissed with prejudice and the Clerk of the Court is directed to close this case.

Dated: New York, New York
November 30, 2009

SO ORDERED.

Paul G. Gardephe
United States District Judge