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UNITED STATES U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MODION MARITIME MANAGEMENT SA,
individually and on behalf of
M/V STEFANOS T (IMO No. 9583744),

Plaintiff,

-against-

O.W. BUNKER MALTA LIMITED, O.W.
BUNKER MIDDLE EAST DMCC, GPS
CHEMOIL LLC FZC, CHEMOIL MIDDLE EAST
DMCC, ING BANK N.V.

Defendants.

15-CV-8084 (VEC)

WESTERN BULK CARRIERS AS and
WESTERN BULK CHARTERING AS
individually and on behalf of
M/V LONG LUCKY (IMO No. 9471654)

Plaintiffs,

-against-

O.W. BUNKER & TRADING A/S, O.W. SUPPLY
& TRADING A/S, U.S. OIL TRADING, LLC
AND ING BANK N.V.

Defendants.

15-CV-8304 (VEC)

MINERVA MARINE INC.,
individually and on behalf of
M/V MINERVA VERA (IMO No. 9411941),

Plaintiffs,

-against-

O.W. BUNKER MALTA LIMITED,
SEKA S.A., and ING BANK N.V.

Defendants.

15-CV-8724 (VEC)

FUJIAN OCEAN SHIPPING CO. LTD.,
individually and on behalf of
M/V ZHENG RUN (IMO No. 9593816), and
M/V ZHENG RONG (IMO No. 9593828)

Plaintiffs,

-against-

O.W. BUNKER FAR EAST (S) PTE. LTD.,
EQUATORIAL MARINE FUEL
MANAGEMENT SERVICES PTE LTD,
SINANJU MARINE SERVICES PTE LTD,
GLOBAL MARINE TRANSPORTATION
PTE LTD, GLOBAL ENERGY TRADING
PTE LTD and ING BANK N.V.

Defendants.

16-CV-401 (VEC)

NYK TRADING CORPORATION,
individually and on behalf of M/V IMARI
(IMO No. 9567776),

Plaintiffs,

-against-

O.W. BUNKER & TRADING A/S, WILJO
N.V., TRANSCOR ENERGY S.A.,
MARITIME BUNKERING & TRADING
BVBA and ING BANK N.V.,

Defendants.

16-CV-674 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on September 28, 2020, Defendant ING Bank N.V. (“ING”) filed a Motion to Lift the Preliminary Injunctions in the five captioned cases above;

WHEREAS in 15-CV-8724, *Minerva Marine Inc. v. O.W. Bunker Malta Ltd.*, ING sought to lift the preliminary injunction for the limited purpose of allowing ING to commence and seek a stay of arbitration in London, 15-CV-8724, Dkt. 48;

WHEREAS in the remaining four captioned cases above, ING sought to lift the preliminary injunction for the limited purpose of allowing ING to write to the London tribunals to seek a stay of the related arbitrations, 15-CV-8084, Dkt. 50; 16-CV-401, Dkt. 34; 15-CV-8304, Dkt. 52; 16-CV-674, Dkt. 42;

WHEREAS on October 14, 2020, Interpleader Plaintiffs responded in opposition to the Motion and on October 21, 2020, Defendant ING replied in support of the Motion;

WHEREAS on October 29, 2020, the parties appeared for a telephone conference on the matter;

WHEREAS on November 12, 2020, the parties in 15-CV-8724, *Minerva Marine Inc. v. O.W. Bunker Malta Ltd.*, informed the Court that they “agreed in principle to the terms of an agreement tolling any applicable statute of limitations that would apply to claims ING may wish to pursue in a potential future arbitration in London,” 15-CV-8724, Dkt. 61;

WHEREAS on November 12, 2020, the parties in 15-CV-8084, *Modion Maritime Management SA et al v. O.W. Bunker Malta Limited et al.*, and in 16-CV-401, *Fujian Ocean Shipping Co. v. O.W. Bunker Far East (S) PTE Ltd., et al.*, informed the Court that they “agreed to the form and substance of letters to the arbitral panels in London informing them of the injunction in the above-captioned cases and that the parties are not currently in a position to move forward in those arbitrations,” 15-CV-8084, Dkt. 64; 16-CV-401, Dkt 48;

WHEREAS on November 13, 2020, the civil case 16-CV-674, *NYK Trading Corp. v. O.W. Bunker & Trading A/S, et al.*, was dismissed with prejudice, 16-CV-674, Dkt. 57; and


WHEREAS on November 23, 2020, the parties in 15-CV-8304, Western Bulk Carriers AS v. O.W. Bunker & Trading A/S et al., informed the Court that they “agreed to the form and substance of a letter to the arbitral panel in London informing it of the injunction in this matter and that the parties are not currently in a position to move forward in that arbitration,” 15-CV-8304, Dkt. 70;

IT IS HEREBY ORDERED that the Motion to Lift the Preliminary Injunction is DISMISSED AS MOOT.

The Clerk of Court is respectfully directed to close the open motions at docket entries 15-CV-8724, Dkt. 48; 15-CV-8084, Dkt. 50; 16-CV-401, Dkt. 34; 15-CV-8304, Dkt. 52.

SO ORDERED.

Date: November 24, 2020
New York, New York



VALERIE CAPRONI
United States District Judge