

IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
 WESTERN DIVISION  
 IN ADMIRALTY  
 CASE NO.: 5:14-cv-121(F)

FRATELLI D'AMATO SpA,	)	
	)	
	)	
<b>Plaintiff,</b>	)	
v.	)	<b>JOINT STIPULATION AND ORDER</b>
	)	<b>TO STAY PROCEEDINGS PENDING</b>
PACTRANS AIR & SEA USA a/k/a	)	<b>COMPLETION OF PAYMENT SCHEDULE</b>
PACTRANS AIR & SEA, INC. ,	)	
	)	
<b>Defendant</b>	)	
and	)	
	)	
NORCA ENGINEERED PRODUCTS,	)	
LLC, NORCA EP, INC., AND	)	
NORCA ENGINEERED PRODUCTS,	)	
INC.,	)	
<b>Garnishees</b>	)	

IT IS HEREBY STIPULATED as of this 8<sup>th</sup> day of July, 2014, by and between the Plaintiff Fratelli D' Amato SpA (Fratelli) and the Defendant, Pactrans Air & Sea, Inc. (Pactrans), via their respective counsel, that the Court should enter a stay of further proceedings in the above-identified action pending satisfactory completion of the terms of a Payment Schedule and Agreement for Forbearance of Legal Proceedings ("Agreement") amicably agreed to between Fratelli and Pactrans.

WHEREAS Fratelli and Pactrans have reached an Agreement, which will likely and ultimately result in the dismissal of this case with prejudice once all its terms are met; and

WHEREAS the Agreement is motivated in part by the parties' desire to avoid continued or additional legal fees while the parties finalize and then complete the exchange of

consideration provided for in the Agreement; and

WHEREAS the Agreement calls for payments to be made by Pactrans to Fratelli each month, with the last payment to be made in January 2017; and

WHEREAS the Agreement provides that Fratelli will notify any garnishees previously served with Process and in whose hands funds are restrained that it is voluntarily withdrawing the restraining of any funds owed by the garnishees to Pactrans; and

WHEREAS the parties agree that the resolution of this litigation will proceed most efficiently if this action is stayed on the terms set forth below until January 31, 2017;

NOW, THEREFORE, the parties respectfully request that this Court order that:

1. This action and all the deadlines shall be and hereby are Stayed until January 31, 2017 in order to allow the parties to complete the payments called for by the Agreement; and
2. The parties will provide a report to the Court: (1) every six months concerning the status of the performance of the Agreement and whether the terms of the Agreement are being complied with, and (2) when the final performance under the Agreement has been completed, at which time Plaintiff will file a notice of dismissal.

CLARK, NEWTON & EVANS, PA

By: 

Don T. Evans, Jr.

NC Bar #: 19003

509 Princess Street

Wilmington, NC 28401

(910) 762-8743

[dte@clarknewton.com](mailto:dte@clarknewton.com)

Attorneys for Plaintiff

Fratelli D'Amato SpA

MARWEDEL, MINICHELLO & REEB, PC

By: 

Robert L. Reeb, Esq.

IL Bar #: 6198415

10 S. Riverside Plaza, Ste 720

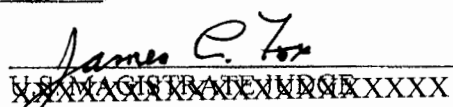
Chicago, IL 60606

[rreeb@mmr-law.com](mailto:rreeb@mmr-law.com)

Attorneys for Defendant Pactrans

Air & Sea, Inc.

SO ORDERED this the 13<sup>th</sup> day of August, 2014.

  
~~U.S. MAGISTRATE JUDGE XXXX~~

JAMES C. FOX

Senior United States District Judge