

United States District Court
Southern District of Texas

ENTERED

September 16, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

IN THE MATTER OF THE COMPLAINT §	
OF MAERSK TANKERS AS, AS OWNER §	
AND OPERATOR OF THE §	
M/T CARLA MAERSK FOR §	CIVIL ACTION NO. G-15-106
EXONERATION FROM AND/OR §	(Consolidated with G-15-cv-237)
LIMITATION OF LIABILITY §	

ORDER

The Court reviewed the Motion of the Limitation Plaintiffs, Maersk Tankers AS, Conti 168 Schiffarts-GMBH & Co. Bulker KG MS “CONTI PERIDOT” and Bremer Bereederungsgesellschaft mbH & Co. KG, for Miscellaneous Relief as to Claimants Gordon Estergren, Sandy Westergren, Michael Donelson, Richard Helmle, Carole Helmle, Chris Miller, Kimberly Miller, Peter Sundt and Brian Johnson (hereinafter collectively referred to as the Mostyn Claimants) (Docket No. 197) and conducted a Hearing and heard arguments of counsel on September 8, 2016.

In the absence of a voluntary stipulation by the Mostyn Claimants, the Court hereby finds that it has the exclusive jurisdiction to determine all issues relative to limitation of liability and *in rem* liability; therefore, the Motion is **GRANTED** as follows:

In order to preserve its exclusive jurisdiction, it is **ORDERED** that no Party may offer or attempt to use any factual findings, verdicts or judgments from the pending action filed in the 234th Judicial District Court of Harris County, Texas, Cause No. 2015-25755, styled Gordon Westergren, et al v. the Maersk Group, et al., in an effort to preclude, on the basis

of *res judicata*, collateral estoppel or issue preclusion, the full and fair federal litigation, or re-litigation, of any and all limitation and *in rem* liability issues. Cf. Lewis v. Lewis & Clark Marine, Inc., 531 U.S. 438 (2001).

It is further **ORDERED** that discovery and evidence from the state court litigation which complies with the Federal Rules of Civil Procedure and Federal Rules of Evidence may be presented in this case only with the prior approval of the Court.

Any further relief requested is **DENIED**.

DONE at Galveston, Texas, this 16th day of September, 2016.



John R. Froeschner
United States Magistrate Judge