

1 Hon. Richard A. Jones
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

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10 IN THE MATTER OF THE COMPLAINT
11 OF THE FISHING COMPANY OF
12 ALASKA AND ALASKA JURIS, INC., AS
13 OWNERS AND/OR OPERATORS OF THE
14 VESSEL ALASKA JURIS, OFFICIAL
15 NUMBER 569276, FOR EXONERATION
16 FROM AND/OR LIMITATION OF
17 LIABILITY

18 IN ADMIRALTY

19 Case No. C17-115-RAJ

20 **[PROPOSED] ORDER**
21 **DIRECTING NOTICE AND**
22 **PUBLICATION TO**
23 **INTERESTED PARTIES, AND**
24 **ENJOINING PROSECUTION OF**
25 **CLAIMS**

26 This matter comes before the Court on Plaintiffs' Ex Parte Motion for Order Directing
27 Notice and Publication to Interested Parties, and Enjoining Prosecution of Claims. Dkt. # 3.
28 The Court **GRANTS** the motion.

29 WHEREAS, pursuant to the Limitation of Liability Act, 46 U.S.C. § 30501 *et seq.* and
30 Rules F(1) and F(2) of the Supplemental Rules for Certain Admiralty and Maritime Claims of
31 the Federal Rules of Civil Procedure, The Fishing Company of Alaska, and Alaska Juris, Inc.,
32 ("Limitation Plaintiffs"), by and through their attorneys, Holmes Weddle & Barcott, have
33 instituted a proceeding in this Court for limitation of and/or exoneration from liability as
34 owners and/or operators of the F/V ALASKA JURIS, official number 569276, ("Vessel"),
35 with respect to an incident occurring on July 26, 2016, in which the Vessel sank; and

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40 **[PROPOSED] ORDER DIRECTING NOTICE AND**
41 **PUBLICATION TO INTERESTED PARTIES, AND**
42 **ENJOINING PROSECUTION OF CLAIMS - 1**

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50 **HOLMES WEDDLE & BARCOTT, PC**
51 999 THIRD AVENUE, SUITE 2600
52 SEATTLE, WA 98104-4011
53 TELEPHONE (206) 292-8008
54 FAX (206) 340-0289

1 WHEREAS, Limitation Plaintiffs state that the Vessel sank and was completely lost, no
2 wreckage, strippings, or proceeds were recovered, and no freight was pending; and

3 WHEREAS, Limitation Plaintiffs posted security for costs in the sum of \$500.00,
4 with interest thereon at the rate of six percent (6%) per annum from the date of the posting
5 of security;

6 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
7 DECREED:

8 1. Limitation Plaintiffs assert that the Vessel sank and was completely lost,
9 no wreckage, strippings, or proceeds were recovered, and no freight was aboard. Therefore,
10 under Supplemental Admiralty Rule F(1), Limitation Plaintiffs at this time do not need to
11 deposit a security for value with the Court. This ruling is WITHOUT PREJUDICE to the due
12 appraisal of Limitation Plaintiffs' interest in the Vessel and pending freight, and any claimant's
13 demand that the deposit or security be increased in accordance with Supplemental Admiralty
14 Rule F(7);

15 2. Limitation Plaintiffs have complied with Supplemental Admiralty Rule
16 F(1) and Local Supplemental Admiralty Rule 120(b) by depositing security for costs in the
17 amount of five hundred dollars (\$500), plus interest at the rate of six percent (6%) from the date
18 of security.

19 3. Under Supplemental Admiralty Rule F(3), the prosecution of any and all
20 suits, actions or proceedings of any nature or description whatsoever against Limitation
21 Plaintiffs, their agents, servants or employees or against the Vessel, except in the present
22 proceeding, in respect of any claim arising out of, occasioned by, consequent upon or otherwise
23 connected with the aforesaid incident, or arising during the voyage upon which the Vessel was
24 then engaged, are HEREBY STAYED AND RESTRAINED until such time as the Court
determines whether to dissolve the injunction. Limitation Plaintiffs are ORDERED to serve a
copy of this Order on the persons and other legal entities to be restrained, or their attorneys;

**[PROPOSED] ORDER DIRECTING NOTICE AND
PUBLICATION TO INTERESTED PARTIES, AND
ENJOINING PROSECUTION OF CLAIMS - 2**

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1 4. In accordance with Supplemental Admiralty Rule F(4) and Local Supplemental
2 Admiralty Rule 150, Limitation Plaintiffs shall publish a copy of the following notice in the
3 Seattle Daily Journal of Commerce for four consecutive weeks starting the week of **February**
4 **26, 2017**, in substantially the form set forth below:

5 **Notice to Interested Parties:** The Fishing Company Alaska, and
6 Alaska Juris Inc., owners and/or operators of the ALASKA
7 JURIS, official number 569276 (hereinafter "the Vessel"), an
8 approximately 218.2 foot vessel of 1658 gross tons, filed a
9 Complaint pursuant to the Limitation of Liability Act, 46 U.S.C.
10 § 30510 et seq., claiming the right to exoneration from and/or
11 limitation of liability for all claims against it for injury, death, or
12 other damage resulting from an incident occurring on July 26,
13 2016, in which the Vessel sank while being operated upon the
14 navigable waters of the Bering Sea.

15 Any person or legal entity who has or may have such a
16 claim must, on or before March 31, 2017, file it with the Clerk
17 of Court, U.S. Federal District Court, Western District of
18 Washington at Seattle, under the title "**In re Alaska Juris, Inc.**"
19 **and Cause No. 2:17-cv-00115-RAJ**. Any such claim must
20 comply with the requirements of Rule F of the Supplemental
21 Rules for Admiralty or Maritime Claims of the Federal Rules of
22 Civil Procedure. A copy must also be served on or mailed to the
23 plaintiff's attorneys, Michael A. Barcott, HOLMES WEDDLE &
24 BARCOTT, 999 Third Ave., Suite 2600, Seattle, WA 98104.

25 Any claimant who desires to contest The Fishing
26 Company Alaska, and/or Alaska Juris Inc.'s, right to exoneration
27 from and/or limitation of liability shall file and serve an answer
28 to the Complaint in the above-referenced matter on or before
29 March 31, 2017, unless such answer is included in the claim.
30 This notice is published pursuant to the order of said Court,
31 Honorable Richard A. Jones, dated February 27, 2017, and Rule
32 F(4) of the Supplemental Rules for Admiralty or Maritime
33 Claims.

34 5. Limitation Plaintiffs shall, not later than the day of the second publication
35 required in paragraph (4) above, mail copies of the Complaint and this Order to: (1) the last
36 known address of those persons who are reported to have been injured as set forth in the
37 Complaint, and to any attorneys known to represent them; and (2) to such other persons and
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1 other legal entities as are known to have any claim against the Limitation Plaintiffs or the
2 Vessel and to any attorney known to represent them.

3 DATED this 17th day of February, 2017.

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6 The Honorable Richard A. Jones
7 United States District Judge
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**[PROPOSED] ORDER DIRECTING NOTICE AND
PUBLICATION TO INTERESTED PARTIES, AND
ENJOINING PROSECUTION OF CLAIMS - 4**

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