

The Honorable Ricardo S. Martinez

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

G.O AMERICA SHIPPING COMPANY, INC., a corporation registered in the Republic of the Marshall Islands,)	IN ADMIRALTY
)	Case No. 2:17-cv-00912-RSM
Plaintiff,)	ORDER SETTING AMOUNT AND
)	TERMS OF SPECIAL BOND AND
)	AUTHORIZING RELEASE VESSEL
vs.)	
CHINA COSCO SHIPPING CORPORATION LIMITED, a company registered in the People Republic of China,)	
COSCO SHIPPING LINES CO, Ltd. a subsidiary of CHINA COSCO SHIPPING CORPORATION LIMITED,)	
CHINA SHIPPING INDUSTRY, (Shanghai Changxing) Co. Ltd., a subsidiary of CHINA COSCO SHIPPING CORPORATION LIMITED)	
and)	
COSCO SHIPPING HEAVY INDUSTRY CO., subsidiaries of CHINA COSCO SHIPPING CORPORATION LIMITED,)	
Defendants.)	

THIS MATTER came before the Court on a Supplemental Admiralty Rule E(5)(a)
Motion by Specially Appearing Defendant COSCO Atlantic Shipping Ltd. ("Atlantic Shipping")

1 for an ORDER (1) fixing the amount of the Special Bond pursuant to Supplemental Admiralty
2 Rule E(5)(a); (2) deeming sufficient the amount of the Special Bond to serve as substitute as
3 security for the attached vessel to secure Plaintiff's *in personam* claims against vessel owner
4 Atlantic Shipping and COSCO Shipping Lines Co., Ltd.; (3) determining the scope and form of
5 the Special Bond, and, (4) immediately releasing the vessel M/V COSCO TAICANG upon
6 posting of the Special Bond with the court.

7 Having considered the briefing from the parties and having heard oral arguments thereon
8 and good cause existing, it is hereby:

9 **ORDERED** that the Motion for fixing the Special Bond amount is **GRANTED**. Atlantic
10 Shipping shall post security in the form of bond attached hereto and in the amount of \$6 million;
11 and, further, it is hereby:

12 **ORDERED** that the amount of the Special Bond is deemed sufficient to substitute as
13 security for Plaintiff's *in personam* claims in this action against the parties on whose behalf the
14 Special Bond is posted; and, further it is hereby:

15 **ORDERED** that upon posting of the Special Bond herein, no further property shall be
16 attached by the U.S. Marshal or any Special Process Server pursuant to the court's Order
17 Authorizing Rule B Attachment of Assets (ECF No. 8) and Writ of Attachment and Garnishment
18 Pursuant to Rule B (ECF No. 8-1), including but not limited to the M/V COSCO EUROPE and
19 M/V COSCO KAOHSIUNG; and, further, it is hereby:

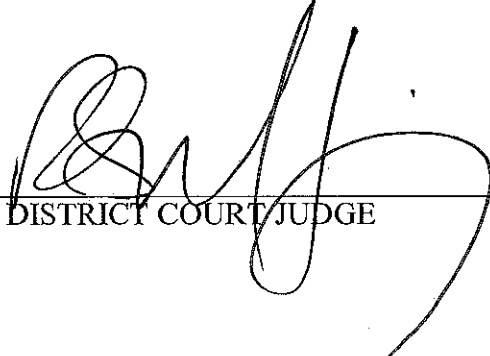
20 **ORDERED** that the Special Bond is given without waiver of or prejudice to Atlantic
21 Shipping's or Defendants' rights and defenses, including but not limited to with respect to any
22 issues arising out of the Amended Verified Complaint (ECF No. 6) or otherwise in this action,
23 the underlying claims discussed therein, and the right to assert any defenses or rights or wrongful
24 attachment claims in respect of Plaintiff's attachment of the M/V COSCO TAICANG in this
25 action; and, further, it is hereby

26 **ORDERED** that upon posting of the Special Bond by Atlantic Shipping via filing
27 through the court's ECF system, the Office of the United States Marshal shall, without further
28

1 order from this Court, immediately release from attachment the M/V COSCO TAICANG,
2 including, HER ENGINES, BOILERS, TACKLES, APPURTENANCES, FURNITURE, GEAR
3 AND BUNKERS, etc., and to undertake whatever additional action is necessary to permit the
4 vessel to sail forthwith. It is not necessary for a Deputy Marshal to proceed to the vessel for the
5 release of the M/V COSCO TAICANG. The release may be communicated and made effective
6 by provision of a copy of this Order, by facsimile or email, to the office of the United States
7 Marshal and to the Substitute Custodian for the vessel.

8 **IT IS SO ORDERED.**

9 DATED this 6th day of July, 2017.

10
11 
12 U.S. DISTRICT COURT JUDGE

13 Presented by:

14 /s/ Philip R. Lempriere
15 Philip R. Lempriere, WSBA No. 20304
16 Molly J. Henry, WSBA No. 40818
17 Attorneys for COSCO Atlantic Shipping Ltd.
18 Keesal, Young & Logan
19 1301 Fifth Avenue, Suite 3100
20 Seattle, Washington 98101
21 Telephone: (206) 622-3790
22 Facsimile: (206) 343-9529
23 Email: philip.lempriere@kyl.com
24 molly.henry@kyl.com

25 Agreed to as form:

26
27 /s/ Edward C. Chung
28 Edward C. Chung, WSBA No. 34292
Attorney for Plaintiff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

G.O AMERICA SHIPPING COMPANY,
INC., a corporation registered in the Republic
of the Marshall Islands,

Plaintiff,

vs.

CHINA COSCO SHIPPING CORPORATION
LIMITED, a company registered in the People
Republic of China,

COSCO SHIPPING LINES CO, Ltd. a
subsidiary of CHINA COSCO SHIPPING
CORPORATION LIMITED,

CHINA SHIPPING INDUSTRY, (Shanghai
Changxing) Co. Ltd., a subsidiary of CHINA
COSCO SHIPPING CORPORATION
LIMITED

and

COSCO SHIPPING HEAVY INDUSTRY
CO., subsidiaries of CHINA COSCO
SHIPPING CORPORATION LIMITED,

Defendants.

) IN ADMIRALTY
)
) Case No. 2:17-cv-00912-RSM
)
) **SUPPLEMENTAL ADMIRALTY RULE B**
) **RELEASE BOND**

///
///

1 KNOW ALL MEN BY THESE PRESENTS, that COSCO Atlantic Shipping, Ltd., as
2 principal, and Aspen American Insurance Company, as surety, are held and firmly bound unto
3 the United States Marshal for the Western District of Washington, his successor and successors,
4 for the benefit of G.O. America Shipping Company, Inc., in the sum of \$6 million DOLLARS on
5 any recoverable statutory costs that might be awarded under the Federal Rules of Civil
6 Procedure, the Supplemental Admiralty Rules, and the General Maritime Law of the United
7 States, but not including contractual attorney fees or costs.

8 WHEREAS G.O. America Shipping Company, Inc. as Plaintiff filed an Amended
9 Verified Complaint against various *in personam* Defendants in the United States District Court
10 for the Western District of Washington on June 23, 2017, and numbered 2:17-cv-00912-RSM, on
11 the docket of said Court, commanding the Marshal to attach under Supplemental Admiralty Rule
12 B and take into his possession the M/V COSCO TAICANG, as security for the claims more fully
13 described in the Amended Verified Complaint;

14 WHEREAS it is intended by the parties hereto that the rights of Plaintiff G.O. America
15 Shipping Company, Inc. are and shall be precisely the same as though the M/V COSCO
16 TAICANG remained under attachment;

17 NOW, THEREFORE, Aspen American Insurance Company, as surety, does hereby
18 undertake to pay the amount awarded by final judgment in the United States District Court for
19 the Western District of Washington, after appeals if any, to the Plaintiff G.O. America Shipping
20 Company, Inc., against COSCO Atlantic Shipping, Ltd., and COSCO Shipping Lines Co., Ltd.,
21 up to the amount set forth above, then this obligation shall be void, otherwise the same shall
22 remain in full force and effect. However, in no event shall the aggregate liability of the surety
23 exceed \$6 million DOLLARS.

24 It is understood and agreed that the signing of this pleading by KEESAL, YOUNG &
25 LOGAN, P.C. is in a representative capacity only and shall not be binding upon them, but is
26 binding upon COSCO Atlantic Shipping, Ltd., as principal, and Aspen American Insurance
27 Company, as surety.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED this ____ day of July, 2017.

DATED this ____ day of July, 2017.

**ASPEN AMERICAN INSURANCE
COMPANY**

COSCO ATLANTIC SHIPPING LTD.

KEESAL, YOUNG & LOGAN

BY: _____

BY: _____

Philip R. Lempriere, WSBA No. 20304
1301 Fifth Avenue, Suite 3100
Seattle, Washington 98101
E mail: philip.lempriere@kyl.com
Attorneys for Claimant COSCO Atlantic
Shipping, Ltd.