

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

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STANLEY G. SIMONSON and REBECCA I. SIMONSON, husband and wife,

Plaintiffs,

IN ADMIRALTY

No. 2:17-cv-01724 RAJ

v.

M/V LUCKY BUCK, Official Number 567411, her engines, machinery, equipment, tackle, appurtenances, etc., in rem; M/V SPEEDWELL, Official Number 594754, her engines, machinery, equipment, tackle, appurtenances, etc., in rem; WILLIAM R. ORR and JANE DOE ORR, husband and wife and their marital community comprised thereof; JOHN KELLEY and JANE DOE KELLEY, husband and wife and their marital community comprised thereof; GREGORY THOMAS and JANE DOE THOMAS, husband and wife and their marital community comprised thereof; TKO FISHERIES LIMITED, a Washington corporation,

Defendants.

STIPULATION AND ORDER TO RELEASE VESSEL FROM ARREST AND TO DISMISS CASE

STIPULATION

At Dkt. 30, the Court entered an order of default barring the claims of all persons, excepting the record owner, claimant Signature Seafoods, Inc., against the vessel M/V LUCKY BUCK, Official Number 567411. Dkt. No. 30. Subsequently, the Court entered a

STIPULATION AND ORDER TO RELEASE VESSEL FROM ARREST AND TO DISMISS CASE (2:17-CV-01724 RAJ) - 1

HILLIS CLARK MARTIN & PETERSON P.S.
999 Third Avenue, Suite 4600
Seattle, WA 98104
Tel: (206) 623-1745

1 Stipulated Judgment and Order of Foreclosure directing the United States Marshal to cause
2 the M/V LUCKY BUCK to be sold at public auction. Dkt. 33. That sale has not yet occurred
3 and, in the meantime, the parties to this case have reached a settlement of all claims in this
4 lawsuit. The settlement involves, in part, the private sale of the M/V LUCKY BUCK to a
5 non-party. Accordingly, the parties, through undersigned counsel, hereby stipulate and agree
6 that, to facilitate the sale of the M/V LUCKY BUCK free and clear of all claims, (i) the Order
7 barring all claims at Dkt. No. 30 should be amended to reflect the correct Official Number of
8 the M/V LUCKY BUCK; (ii) the M/V LUCKY BUCK should be released from arrest so that
9 it may be sold at private sale; and (iii) pursuant to Federal Rule of Civil Procedure 41(a)(1),
10 this case should be dismissed without prejudice and without award of costs or attorneys' fees
11 to either side.
12
13
14

15 **ORDER**

16 1. The Order at Dkt. 30 is VACATED, and the Court ORDERS as follows:
17 Default is entered barring the claims of all persons, excepting the record owner Signature
18 Seafoods, Inc., against the vessel M/V LUCKY BUCK, Official Number 567411.

19 2. The United States Marshal and Substitute Custodian appointed at Dkt. No. 9
20 are ORDERED to release the M/V LUCKY BUCK from arrest.
21

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1 3. Pursuant to Fed. R. Civ. P. 41(a)(1), this case is DISMISSED without
2 prejudice and without award of costs or attorneys' fees to either side. Nothing in in this Order
3 shall operate to vacate any findings or conclusions reached by Court in this action.
4

5 SO ORDERED on this 2nd day of July, 2018.
6

7
8 
9

10 The Honorable Richard A. Jones
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28