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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHRIM BANK,

Plaintiff,

v.

PEARL BAY SEAFOODS, LLC, JOSEPH
MARTUSHEV, MIRON I. BASARGIN,
ALEXANDER I. KALUGIN, NIKOLAI
IGNATIEVICH, AND IOASOPH
MARTUSHEV, *in personam*; and the Vessel
GLACIER BAY, Official Number 600325,
in rem,

Defendants.

Case No. 2:23-cv-01042-RSM

ORDER GRANTING PLAINTIFF’S
MOTION GRANTING SUBSTITUTE
CUSTODIAN TO PERMIT CERTAIN
INDIVIDUALS TO BOARD VESSEL

This matter comes before the Court on Plaintiff’s “Stipulated Motion *Seeking Court Approval Granting Substitute Custodian to Permit Certain Individuals to Board Vessel.*” Dkt. #61. On January 30, 2024, by Minute Order, the Court determined that Plaintiff’s Motion was incorrectly filed as a Stipulated Motion, as no Defendant signed the Motion, and generally would be re-noted as a third Friday motion pursuant to LCR 7(d)(3). Dkt. #64. However, due to the facts of this Case¹, the Court re-noted Plaintiff’s Motion for Friday, February 2, 2024,

¹ Other than Defendants Ioasoph Martushev and Joseph Martushev filing an opposition to personal jurisdiction, Dkt. #48, no other defendant has challenged a motion or otherwise appeared in this case.

1 allowing Defendants to file any opposition by 12:00PM, PST the same day. By 12:00PM, PST,
2 Friday, February 2, 2024, Defendants did not file any opposition to Plaintiff's Motion.

3 Plaintiff's Motion seeks to grant the Substitute Custodian authority to allow certain
4 third-party representatives of Plaintiff, Defendants, Intervenor, and prospective purchasers or
5 their agents to board the in rem Defendant vessel Glacier Bay, Coast Guard Official No.
6 600325, for inspection, repairs, evaluation of the condition and assessment of value of the vessel
7 under the supervision of the Court appointed Substitute Custodian, Marine Lenders Services,
8 LLC. Upon consideration of Plaintiff's motion, this Court FINDS:
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10 (1) The vessel Glacier Bay was arrested by the U.S. Marshals pursuant to Court Order,
11 Dkt. #8, and is in the custody and control of the Court appointed Substitute
12 Custodian, Marine Lenders Services, LLC. Dkt. #10;

13 (2) The registered owner of the vessel Glacier Bay, Pearl Bay Seafoods, LLC has not
14 appeared or asserted a *Supplemental Rules for Admiralty or Maritime Claims And*
15 *Asset Forfeiture Action* ("SAR") Rule C(6) *Statement of Interest*, or asserted a
16 defense to the *in rem* claim against the vessel, and a Default was entered against
17 Pearl Bay Seafoods, LLC. Dkt. #40;

18 (3) Defendants Ioaseph Martushev and Joseph Martushev (collectively the
19 "Martushevs") did not join in the Stipulated Motion and have filed a motion to
20 dismiss the claims against them for lack of *in personam* jurisdiction, Dkt. #48.
21 Plaintiff Northrim filed an opposition to the Martushevs' Motion to Dismiss, Dkt.
22 #51, and the Martushevs filed a Reply, Dkt. # 55; and

23 (4) THAT the Martushevs will not be prejudiced by allowing representatives of
24 Northrim, the Port of Seattle as Intervenor, prospective purchasers, marine
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1 surveyors, or other individuals necessary for the care of the vessel, to board, test,
2 sample, and inspect the vessel Glacier Bay under the supervision of the Substitute
3 Custodian.

4 Therefore, the Court ORDERS that Plaintiff's motion is GRANTED, consistent with
5 F.R.C.P. Supplemental Admiralty Rule E (4)(d) and Local Admiralty Rule 13. The Substitute
6 Custodian may permit boarding and inspection of the vessel Glacier Bay by marine surveyors,
7 representatives of Plaintiff, Intervenor, and prospective purchasers and their representatives in
8 order to take samples of the lubricating oils of the vessel's engines, reduction gears, generators
9 and other rotating machinery for chemical analysis, determine the vessel's condition and value
10 at a date and time convenient to the Substitute Custodian.
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13 It is further ORDERED that all such inspections, surveys, and/or samplings shall be
14 conducted under the supervision of the Substitute Custodian, Marine Lenders Services, LLC, at
15 such times and location, and by such individuals, as may be approved by, and arranged in advance
16 with, the Substitute Custodian. The costs of the Substitute Custodian's services for allowing
17 third parties to board the Vessel shall be deemed expenses *in custodia legis* in these proceedings.
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19 It is further ORDERED that any and all persons boarding any of the Vessel for any
20 purpose must first provide to the Substitute Custodian a properly executed *Waiver and Release*
21 *From Liability* in the form attached as Exhibit A to Dkt. #62.
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23 DATED this 5th day of February, 2024.

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26 RICARDO S. MARTINEZ
27 UNITED STATES DISTRICT JUDGE
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