

1 THE HONORABLE ROBERT J. BRYAN
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9
10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

13 BOSSCO TRADING, LLC, an Oregon
14 corporation,

15 Plaintiff,

16 v.

17 CORNEL TRADING (CANADA) CORP., a
18 Canada corporation; MAERSK LINE, a
19 Denmark corporation; COSCO CONTAINER
20 LINES AMERICAS, INC., a Delaware
21 corporation; and COSCO Container Lines, a
22 Chinese corporation,

23 Defendants.

24 No.: CV06-5648 RJB

25 TEMPORARY RESTRAINING ORDER

26 This matter was considered by the Court on Plaintiff's Motion for Temporary
Restraining Order. The Court having reviewed the pleadings and being otherwise fully
advised, finds as follows:

1. There is a strong likelihood that Plaintiff will prevail on the merits of some or
all of its claims against Defendants.

2. Plaintiff will suffer immediate and irreparable harm if Defendant Cornel
Trading (Canada) Corp. is not restrained from taking possession of goods shipped to Japan
under Booking Numbers 87691000, 87690990, 87690980, and 87692470, which includes 4

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1 containers that were shipped on the vessels HANJIN OSLO and COSCO ANTWERP,
2 arrived in Japan on November 8 or 9, 2006, and are presently being held at the terminal in
3 Nagoya, Japan and 10 containers that are scheduled to arrive in Japan aboard the COSCO
4 XIAMEN.

5 3. Plaintiff will suffer immediate and irreparable harm if Defendants COSCO
6 Container Lines Americas, Inc. (“CCLA”) and COSCO Container Lines (“CCL”) are not
7 restrained from releasing the 4 containers, which were shipped on the vessels HANJIN
8 OSLO and COSCO ANTWERP and arrived in Japan on November 8 or 9, 2006, presently
9 being held at the terminal in Nagoya, Japan.

10 4. Plaintiff will suffer immediate and irreparable harm if Defendants COSCO
11 Container Lines Americas, Inc. (“CCLA”) and COSCO Container Lines (“CCL”) are not
12 restrained from releasing the 10 containers subject to this action that are being shipped on the
13 vessel COSCO XIAMEN, which is scheduled to arrive in Japan on or about December 4,
14 2006.

15 5. The harm will be the loss of value for product it sold to Defendant Cornel and
16 for which Defendant Cornel did not pay.

17 6. The balance of hardships favors Plaintiff.

18 Based on the foregoing findings, it is hereby ORDERED:

19 1. Plaintiff’s Motion for Temporary Restraining Order is GRANTED to the
20 extent set forth below.

21 2. Defendant Cornel Trading (Canada) Corp. is restrained from taking possession
22 of goods shipped to Japan under Booking Numbers 87691000, 87690990, 87690980, and
23 87692470.

24 3. Defendants COSCO Container Lines Americas, Inc. and COSCO Container
25 Lines are restrained from releasing the 4 containers subject to this action, which were
26 delivered to Nagoya, Japan and are being held at the terminal in Nagoya, Japan, unless

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1 presented with a valid bill of lading. Defendants CCLA and CCL may release said containers
2 if presented with valid bills of lading.

3 4. Defendants COSCO Container Lines Americas, Inc. and COSCO Container
4 Lines are restrained from releasing the 10 containers subject to this action that are aboard the
5 COSCO XIAMEN and expected to arrive in Japan on or about December 4, 2006, unless
6 presented with a valid bill of lading. Defendants CCLA and CCL may release said containers
7 if presented with valid bills of lading.

8 5. Defendants are ordered to show cause why a preliminary injunction should not
9 be granted.

10 6. BOSSCO Trading, LLC shall pay security in the amount of \$55,000.00

11 7. A hearing for a preliminary injunction will be held on November 27, 2006.

12 | This Order shall remain in effect until that time.

13|| DONE IN OPEN COURT this 16th day of November, 2006 at 9:30 a.m.


Robert J. Bryan
United States District Judge

18 | Presented by:

19 BULLIVANT HOUSER BAILEY, P.C.

21 By s/ J. Dino Vasquez, WSBA #25533
22 Toni Y. Anders, WSBA #31238
Attorneys for Plaintiff BOSSCO Trading, LLC

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