

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>FORTIS BANK (NEDERLAND) N.V.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>Civil No. 04-147-P-S</b>
	)	
<b>M/V SHAMROCK AND COPROPRIETE DU</b>	)	
<b>NAVIRE SHAMROCK,</b>	)	
	)	
<b>Defendants</b>	)	
<b>and</b>	)	
	)	
<b>COMATRANS, S.A.</b>	)	
<b>SP CONTAINER LINE SA, and</b>	)	
<b>SNC SHAMROCK GESTION,</b>	)	
	)	
<b>Parties-in-Interest.</b>	)	

**ORDER**

On August 6, 2004, the Court held a hearing on this matter in light of a variety of pending motions, including a motion for emergency relief filed yesterday. After hearing from counsel for all interested parties and giving counsel time to confer, the Court was informed that there was no objection to the multiple motions for intervention that have been filed on or before today. Therefore, the following motions to intervene are GRANTED WITHOUT OBJECTION:

Motion of Massachusetts Port Authority to Intervene to Enforce a Maritime Lien (Docket # 18),  
Motion of Boston Pilot Association to Intervene to Enforce a Maritime Lien (Docket # 27),  
Motion of Boston Line & Service Co., Inc. to Intervene to Enforce a Maritime Lien  
(Docket # 35), and  
Amended Motion of Cerescorp Company to Intervene as Plaintiff (Docket # 51).

As a result of the Court's decision to grant the Amended Motion of Cerescorp Company to Intervene, the initial Motion of Cerescorp Company to Intervene as Plaintiff (Docket # 26) is MOOT.

Turning to the Intervenors' various motions for arrest of vessel (See Docket #s 22, 31 & 38), the parties have agreed that the *M/V Shamrock* is presently subject to arrest and that any arrest of the vessel the Intervenors now seek would be "junior" to the arrest warrant already executed by Plaintiff Fortis Bank. As such, the Intervenors seek arrest warrants that will only take effect when and if the existing arrest warrant secured by Fortis Bank is vacated.

In accordance with this understanding and in light of the fact that the Massachusetts Port Authority, Boston Pilot Association LLC, Boston Line & Service Company, Inc., and Cerescorp Company have been granted status as Intervenors, the Court adopts the following procedure. The Court directs the Clerk to docket the verified complaints attached to the granted motions to intervene and deliver certified copies of these complaints, along with a copy of this Order, to the United States Marshal. The Marshal shall, in turn, deliver copies of these verified complaints and this Order, to the vessel or custodian of the vessel. The Intervenors shall thereafter be subject to the rights and obligations of the parties and the vessel shall stand arrested by each of the Intervenors. It is understood that the Intervenors are not being required to immediately advance a security deposit to the Marshal or make arrangements for a substitute custodian. However, in the event that their arrest of the vessel becomes "senior" as a result of the arrest by Fortis Bank being vacated, the Intervenors will be required to make immediate arrangements for a substitute custodian and indemnification of the United States Marshall of in order to prevent the Court from dissolving their arrest warrants. To the extent that this procedure provides the remedy sought via Massport's Motion for Arrest of Vessel (Docket # 22), Boston Pilot Associations LLC's Motion for Arrest of Vessel (Docket # 33) and the Motion of Boston Line & Service Company, Inc. for Arrest of Vessel (Docket # 38), the Court GRANTS these motions.

In light of all of the above rulings, the Joint Emergency Motion to Bar the Release of Vessel and to Grant Status as Arresting Plaintiffs (Docket # 45) is now MOOT. Upon the

Marshal's delivery of the verified complaints and this Order to the vessel or its custodian, the Court's August 5, 2004 Order (Docket # 46) is VACATED.

Finally, the Court GRANTS WITHOUT OBJECTION the Substitute Custodian's Emergency Motion to Repatriate Crew (Docket # 50).

SO ORDERED.

/s/ George Z. Singal  
Chief U.S. District Judge

Dated this 6<sup>th</sup> day of August, 2004

**Plaintiff**

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**FORTIS BANK (NEDERLAND)  
NV**

represented by **PETER S. PLUMB**  
MURRAY, PLUMB & MURRAY  
PO BOX 9785  
PORTLAND, ME 04101-5085  
773-5651  
Email: pplumb@mpmlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**SARAH A. MCDANIEL**  
MURRAY, PLUMB & MURRAY  
PO BOX 9785  
PORTLAND, ME 04101-5085  
207-773-5651  
Fax : 207-773-8023  
Email: smcdaniel@mpmlaw.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

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**M/V SHAMROCK**

represented by **MICHAEL KAPLAN**  
PRETI, FLAHERTY, BELIVEAU,  
PACHIOS & HALEY, LLC

PO BOX 9546  
PORTLAND, ME 04112-9546  
791-3000  
Email: mkaplan@preti.com  
*ATTORNEY TO BE NOTICED*

**COPROPRIETE DU NAVIRE  
SHAMROCK**

represented by **MICHAEL KAPLAN**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Claimant**  
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**CERESCORP COMPANY**

represented by **R. TERRANCE DUDDY**  
KELLY, REMMEL &  
ZIMMERMAN  
53 EXCHANGE STREET  
P.O. BOX 597  
PORTLAND, ME 04112  
207-775-1020  
Email: tduddy@krz.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**U. CHARLES REMMEL, II**  
KELLY, REMMEL &  
ZIMMERMAN  
53 EXCHANGE STREET  
P.O. BOX 597  
PORTLAND, ME 04112  
207-775-1020  
Email: cremmel@krz.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Counter Defendant**  
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**FORTIS BANK (NEDERLAND)  
NV**

represented by **PETER S. PLUMB**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**SARAH A. MCDANIEL**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Interested Party**

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**COMATRANS S A**

represented by **MICHAEL KAPLAN**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**SP CONTAINER LINE SA**

represented by **MICHAEL KAPLAN**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**SNC SHAMROCK GESTION**

represented by **MICHAEL KAPLAN**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**MASSACHUSETTS PORT  
AUTHORITY**

represented by **MICHAEL J. RAUWORTH**  
**CETRULO & CAPONE**  
**TWO SEAPORT LANE**  
**10TH FLOOR**  
**BOSTON, MA 02210**  
**(617) 217-5500**  
**Email: mrauworth@cetcap.com**  
*ATTORNEY TO BE NOTICED*

**NANCY KELLY**  
**CETRULO & CAPONE**  
**TWO SEAPORT LANE**  
**10TH FLOOR**  
**BOSTON, MA 02210**  
**617-217-5500**  
**Fax : 617-217-5200**  
**Email: nkelly@cetcap.com**  
*ATTORNEY TO BE NOTICED*

**BOSTON PILOT ASSOCIATION**

represented by **MICHAEL J. RAUWORTH**

**LLC**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**NANCY KELLY**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**BOSTON LINE & SERVICE  
COMPANY, INC**

represented by **MICHAEL J. RAUWORTH**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**NANCY KELLY**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

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**CERESCORP COMPANY**

represented by **U. CHARLES REMMEL, II**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**R. TERRANCE DUDDY**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant**

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**M/V SHAMROCK**

represented by **MICHAEL KAPLAN**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**SARAH A. MCDANIEL**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

