

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

FORTIS BANK (Nederland) N.V.)	
Plaintiff)	
and)	
)	
MASSACHUSETTS PORT AUTHORITY, ET AL.)	
Intervenor Plaintiffs)	
)	
v.)	Docket No. 04-CV-147-GZS
)	
M/V SHAMROCK and COPROPRIÉTÉ DU NAVIRE SHAMROCK,)	
Defendants)	
and)	
)	
COMATRANS, S.A., SP CONTAINER LINE SA and SNC SHAMROCK GESTION)	
Parties-in-Interest)	
and)	
)	
SPM LINE, INC. and CANSHIP UGLAND, LTD.)	
Third-Party Defendants)	

ORDER AND FINDING FOR SEPARATE AND FINAL JUDGMENT

Five of the U.S. lien claimants, identified below, have moved (Docket No. 298) for the entry of separate and final judgment in their favor *in rem* against the *M/V Shamrock* — in effect a judgment against the *res* in its current form, *i.e.*, the money held by this Court that comprises the remaining proceeds of the judicial sale of the *Shamrock*, conducted by the Marshals Service in November of 2004.

In connection with this motion, the Court takes cognizance of the following:

- a. the moving parties supported their motion with an Agreement for Judgment to this effect, signed by counsel for all of the parties except the *Shamrock* interests and ENIM:
- b. the *Shamrock* interests had expressly declared in writing (submitted to the Court by the movants) a lack of objection to the payment proposed by the moving parties;

c. while the motion (Docket No. 298) has been pending, the *Shamrock* interests have been defaulted;

d. the movants' motion was filed on March 3, 2005, with a docketed deadline of March 24, 2005 for the submission of any opposition to it;

e. no opposition was filed by the deadline;

f. in addition to Docket No. 298, on the same day, three of the movants also filed summary judgment motions under Rule 56 as to their lien claims, seeking essentially the same relief, and no opposition has been filed by the deadline for those three motions;

g. the passage of further time causes interest to accrue in favor of the lien claimants who are the moving parties here;

h. because the aggregate of the *in rem* claims appear to exceed the limited funds resulting from the sale of the *Shamrock*, the accrual of further interest in favor of the movants appears likely to diminish the practical recovery of other innocent claimants holding valid but junior claims against the *Shamrock*;

i. the aggregate of all of the claims other *than those* of Fortis appears to be far less than the amount of funds in the Court, and thus the payment of the funds sought by this motion does not appear able to have an adverse effect on any party to this case other than Fortis, which has expressly consented to the motion.

j. payment of the amounts prayed for will completely satisfy the debts asserted by the moving parties through judgment in full on their *in rem* claims, making them as fully whole as the law allows, and amounting to a payment in full on their *in personam* claims, and each of the moving parties has agreed in writing to dismissal of its *in personam* claims upon the payment of the funds sought by their motion for *in rem* judgment.

In light of the foregoing, the Court hereby expressly determines, pursuant to Fed. R. Civ. P. 54(b), that there is no just reason for delay in the entry of separate and final judgment in the amounts set forth in the following table as to each of the moving parties respectively:

Party Name	Principal Amt.	Interest to Feb. 1, 2005	Per Diem (20050201 to final judgment)
Massachusetts Port Authority	US\$727,619.08	US\$75,056.21	US\$358.83
Boston Pilot Association LLC	US\$32,035.95	US\$956.49	US\$3.75
Boston Line & Service Co., Inc.	US\$28,275.10	US\$811.38	US\$3.32
City of Portland	US\$11,790.00	US\$242.88	US\$1.38
Portland Pilots, Inc.	US\$16,246.84	US\$314.34	US\$1.90

In addition, the Court hereby expressly directs that the Clerk shall enter five separate and final judgments *in rem*, each on a separate document pursuant to Rule 58, one each in favor of the Massachusetts Port Authority, the Boston Pilot Association LLC, Boston Line & Service Co. Inc., the City of Portland, and the Portland Pilots, Inc., each in the amount of the party's principal claim, plus its respective accrued interest figure above, plus the amount of its respective *per diem* interest figure, for each day of February, March, and April (if applicable) 2005, that has elapsed before the date of the actual entry of the judgment, and each dismissing the *in personam* claims of the party in question.

SO ORDERED.

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

Dated this 1st day of April 2005.

**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

THOMAS C. NEWMAN
MURRAY, PLUMB & MURRAY
PO BOX 9785
PORTLAND, ME 04101-5085
773-5651
Email: tnewman@mpmlaw.com
ATTORNEY TO BE NOTICED

V.

Intervenor Plaintiff

**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

Intervenor Plaintiff

**BOSTON PILOT ASSOCIATION
LLC**

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

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

Intervenor Plaintiff

**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

Intervenor Plaintiff

UNION OIL CO OF MAINE

represented by **MARSHALL J. TINKLE**
TOMPKINS, CLOUGH, HIRSHON
& LANGER
THREE CANAL PLAZA
P.O. BOX 15060
PORTLAND, ME 4112-5060
207-874-6700
Email: mjtinkle@tchl.com
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

MICHEL REMOND

represented by **MICHAEL X. SAVASUK**
LAW OFFICE OF MICHAEL X.
SAVASUK
MARINE TRADE CENTER
300 COMMERCIAL STREET
P.O. BOX 267
PORTLAND, ME 04112-0267
(207)773-0788
Email: mxslaw@maine.rr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

JERZY REJMAN

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

KRZYSZTOF SKARZEWSKI

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

BOGUSLAW SILWA

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

GRZESLAW BATOR

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

JEAN LOUIS AUDOUX

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Intervenor Plaintiff

ANDRZEJ ZIELINSKI

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

MARIUSZ DRELINKIEWICZ

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

ROMUALD KOLAKOWSKI

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

MIECZYSLAW ZABLOTNY

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

GARRY HEUDES

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

PRZEMYSŁAW CZAPLA

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

YVES CHAMPDOIZEAU

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

GERARD URTIZBEREA

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

THIERRY BEAUPERTUIS

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

PORTLAND PILOTS, INC

represented by **ANDREA L. FRAVERT**
VAN MEER & BELANGER, P.A.
20 YORK STREET
PORTLAND, ME 04101
(207) 871-7500

THOMAS J VAN MEER
VAN MEER & BELANGER, P.A.
20 YORK STREET
PORTLAND, ME 04101
207-871-7500
Email: tvanmeer@vblawfirm.com
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

CITY OF PORTLAND

represented by **ELIZABETH L. BOYNTON**
CITY OF PORTLAND
389 CONGRESS ST
PORTLAND, ME 4101-3059
207-874-8480
Email: Liz@portlandmaine.gov
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

**REPUBLIC OF FRANCE
ESTABLISSEMENT NATIONAL
DES INVALIDES DE LA
MARINE**

represented by **CHRISTINE A. CIVITANO**
WILSON, ELSER, MOSKOWITZ,
EDELMAN & DECKER LLP
150 EAST 42ND STREET
NEW YORK, NY 10017
212-490-3000
Email: civitanoc@wemed.com
ATTORNEY TO BE NOTICED

WILLIAM H. WELTE
WELTE & WELTE, P.A.
13 WOOD STREET
CAMDEN, ME 04843-2036
207-236-7786
Email: weltelaw@adelphia.net
ATTORNEY TO BE NOTICED

V.

Defaulted Party

**COPROPRIETE DU NAVIRE
SHAMROCK**

represented by **COPROPRIETE DU NAVIRE
SHAMROCK**
C/O JEAN-CLAUDE GOUR
011 33 158 590009
PRO SE

Defaulted Party

COMATRANS S A

represented by **COMATRANS S A**
C/O PHILIPPE PATUREL
MARGINAL ROAD
P.O. BOX 31, CRO
HALIFAX, NS B3J2L4
CANADA
1+(902) 422 82 56
PRO SE

Defaulted Party

SP CONTAINER LINE SA

represented by **SP CONTAINER LINE SA**
C/O PHILIP PATUREL
MARGINAL ROAD
P.O. BOX 31, CRO
HALIFAX, NS B3J2L4 CANAD
+1(902)422 82 56
PRO SE

Defaulted Party

SNC SHAMROCK GESTION

represented by **SNC SHAMROCK GESTION**
C/O PHILIP PATUREL
MARGINAL ROAD
P.O. BOX 31, CRO
HALIFAX, NS B3J2L4
CANADA
+1(902)422 82 56
PRO SE

Defaulted Party

SPM LINE INC

represented by **SPM LINE INC**
C/O PHILIP PATUREL
MARGINAL ROAD
P.O. BOX 31, CRO
HALIFAX, NS B3J2L4
CANADA
+1(902)422 82 56
PRO SE

Defendant

M/V SHAMROCK

represented by

Claimant

CITY OF PORTLAND

represented by **ELIZABETH L. BOYNTON**
(See above for address)
ATTORNEY TO BE NOTICED

Counter Defendant

FORTIS BANK (NEDERLAND)

NV

TERMINATED: 03/23/2005

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

THOMAS C. NEWMAN
(See above for address)
ATTORNEY TO BE NOTICED

Custodian

**NATIONAL MARITIME
SERVICES INC**

represented by **MARK J. WINTER**
DRUMMOND & DRUMMOND,
LLP
ONE MONUMENT WAY
P. O. BOX 15216
PORTLAND, ME 4101
207-774-0317
Email: mwinter@ddl.com
ATTORNEY TO BE NOTICED

