

**UNITED STATES DISTRICT COURT
District of Maine**

SEA HUNTERS, LP,)	
)	
Plaintiff)	
)	
v.)	No. 2:08-cv-272-GZS
)	
THE S.S. PORT NICHOLSON,)	
Her Tackle, Apparel, Cargo,)	
Appurtenances, and Property, <i>in Rem</i>)	
)	
Defendant)	

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on November 29, 2014, his Recommended Decision (ECF No. 307). Intervening Plaintiff, Mission Recovery, LLC, filed its Objection to the Recommended Decision (ECF No. 311) on December 12, 2014. Thereafter, on December 15, 2015, the Magistrate Judge stayed further briefing related to the cross-motions for summary judgment (ECF No. 314). On February 24, 2015, the stay was lifted and deadlines were set to complete briefing related to the cross-motions for summary judgment (ECF No. 324). In accordance with those deadlines, Plaintiff Sea Hunter’s, LP filed its Response to Mission Recovery’s Objection (ECF No. 326) on March 2, 2015. Mission Recovery then filed a Reply (ECF No. 335) on March 16, 2015. Additionally, Claimant Secretary of State, Department of Transport for the United Kingdom (UK DfT) filed a Reply to Mission Recovery’s Objection (ECF No. 333) on March 16, 2015.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the

Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision and considering the same record that was presented to the United States Magistrate Judge. While the Court acknowledges that there have been a number of factual developments since the issuance of the Recommended Decision, the Court believes those factual developments are best addressed through the response to the Court's Order to Show Cause and other pending motions. Therefore, recognizing its discretion to consider further evidence, the Court chooses not consider any new evidence that has been placed on the docket since the issuance of the Recommended Decision and considers the Recommended Decision based on the record that was considered by the Magistrate Judge. See 28 U.S.C. § 636(b).

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is hereby **ORDERED** that Mission Recovery's Request for oral argument is **DENIED**.
3. It is hereby **ORDERED** that Sea Hunters' Motion to Strike (ECF No. 280) is **GRANTED IN PART** with respect to those portions of UK DfT's opposing brief that bear on the merits of the cross-motions for summary judgment, as well as statements of opposing and additional facts and record materials filed in support thereof, and otherwise **DENIED**.
3. It is hereby **ORDERED** that Sea Hunters' and Mission Recovery's Cross-motions for summary judgment (ECF Nos. 244 & 245) are hereby **DENIED**. This ruling is without prejudice to any remaining party moving to file further dispositive motions in light of the procedural and factual developments that have occurred to date.
4. It is hereby **ORDERED** that Mission Recovery's Motion for Preliminary Injunction (ECF No. 246) is hereby **MOOT**.

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

Dated this 17th day of March, 2015.

Plaintiff

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