

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

IN THE MATTER OF THE COMPLAINT,

Of

Civil Action No.: 16-cv-5010

SPECIALIST LLC and NEW YORK MARINE  
TOWING, INC., as Owner and Owner Pro Hac Vice  
of an 84 foot towing vessel named "SPECIALIST",  
and an 84 foot towing vessel named "REALIST", for  
Exoneration from or Limitation of Liability,

**ORDER**

Petitioners.

---

A Complaint having been filed herein on June 27, 2016, by the above-named Petitioners, SPECIALIST LLC and NEW YORK MARINE TOWING, INC., as Owner and Owner *Pro Hac Vice* of an 84 foot towing vessel named "SPECIALIST", and an 84 foot towing vessel named "REALIST", have filed a Complaint seeking Exoneration from or Limitation of Liability, pursuant to 46 U.S.C. §§ 30501 *et seq.*, involving admiralty and maritime claims within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, concerning any claims for loss, damage, injury, and/or wrongful death arising or resulting from a marine collision, which occurred on March 12, 2016 while Petitioners' towing vessels SPECIALIST and REALIST were upon the navigable waters of the United States, transiting the Tappan Zee Bridge, Hudson River, State of New York, as more fully described in the Complaint; and;

AND the Complaint having stated that Petitioners' interest in the post-casualty value of the SPECIALIST on the day of the marine collision has been fixed as a constructive total loss and did not exceed the sum of \$50,000.00;

~~Case 7:16-cv-05010-KMK Document 6-4 Filed 06/28/16 Page 2 of 4~~

AND the Complaint having stated that Petitioners' interest in the post-casualty value of the REALIST on the day of the marine collision did not exceed the sum of \$750,000.00;

AND Petitioners have filed with the Court an *Ad Interim* Stipulation for value dated May 27, 2016, for the benefit of any and all claimants, with surety, equal to the amount of Petitioners' interest in the post-casualty value of the SPECIALIST and REALIST as of the date of the marine collision, with interest at the rate of 6% *per annum* from the date of said security, plus \$250 as costs, executed by marine insurer **XL Catlin Indemnity Insurance Co.** and excess insurer **XL Specialty Insurance Co.**

NOW, on motion of attorneys for Petitioners, it is hereby:

**ORDERED** that the above-described *Ad Interim* Stipulation for Value, with interest as aforesaid, filed by Petitioners for the benefit of any and all claimants as security representing the Petitioners' interest in the post-casualty value of the SPECIALIST and REALIST as of the date of the marine collision, be and is hereby approved; and

**IT IS FURTHER ORDERED** that the Court, only upon motion and good cause shown, shall cause appraisalment of the post-casualty value of Petitioners' interest in the REALIST on the date of the marine accident, and may thereupon order said security increased or reduced if it finds the amount thereof insufficient or excessive; and

**IT IS FURTHER ORDERED** that any claimant in these proceedings may express, only upon good cause shown and by written notice filed with the Court and served upon all parties of record, its dissatisfaction with **XL Catlin Indemnity Co.** and/or **XL Specialty Insurance Co.** as sureties. In this event, Petitioners shall within thirty (30) days of the entry of an order by the Court concerning the sureties, cause security to be posted in the form provided by Supplemental Rule F(1)

of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, and satisfactory to this Court failing which the injunction entered concurrently herewith will be vacated as to all claimants, and the Court will make such further orders as the justice of the cause may require; and

IT IS FURTHER ORDERED that a Notice shall be issued by the Clerk of this Court to all persons, firms, entities or corporations, having any claim or suit against the Petitioners with respect to which the Complaint seeks exoneration from or limitation of liability, admonishing them to file their respective claims with the Clerk of this Court, in writing, and to deliver or mail to the attorneys for the Petitioners, Petitioners, James E. Mercante, Esq., RUBIN, FIORELLA & FRIEDMAN LLP, 630 Third Avenue, 3<sup>rd</sup> Floor, New York, New York 10017, a copy thereof, ON OR BEFORE THE <sup>21<sup>st</sup> August</sup> ~~27<sup>th</sup>~~ DAY OF JULY, 2016, or be defaulted; and that if any claimant desires to contest either the right to exoneration from or the right to limitation of liability, such claimant shall file an Answer to the Complaint on or before the aforesaid date, unless the claim has included an Answer to the Complaint, as required by Supplemental Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, and deliver or mail a copy to the attorneys for the Petitioners, or be defaulted.

Kmk

IT IS FURTHER ORDERED that the aforesaid Notice shall be published in the NEW YORK OBSERVER, <sup>and the Journal News</sup> a newspaper with a general circulation, once a week for four (4) weeks before the return date of said Notice, as provided by the aforesaid Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, and copies of said Notice shall be mailed by Petitioners in accordance with this Rule to

Kmk

every person known to have any claim against the SPECIALIST, REALIST, or Petitioners, or to their attorneys; and

**IT IS FURTHER ORDERED** that the further prosecution of any and all actions, suits and proceedings already commenced and the commencement or prosecution hereafter of any and all suits, actions, or proceedings of any nature and description whatsoever in any Court of any jurisdiction, or otherwise, against the Petitioners, insurer, and/or the SPECIALIST or REALIST, and the taking of any steps and the making of any motion in such actions, suits or proceedings except in this action, with respect to the aforesaid marine collision, **be and they hereby are restrained, stayed and enjoined** until the hearing and determination of this action, and all warrants of arrest of the SPECIALIST or REALIST and/or attachments issued or sought in such other suits, actions or legal proceedings be and the same are hereby dissolved and further warrants of arrest of the SPECIALIST or REALIST and/or attachments are hereby prohibited; and

**IT IS FURTHER ORDERED** that service of this Order as a Restraining Order be made through the Post Office by mailing a conformed copy hereof to the person or persons to be restrained, or to their respective attorneys.

Dated: July 21, 2016



\_\_\_\_\_  
U.S.D.J.