

61-41-75.17

JKip

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

UNITED STATES OF AMERICA,	)	IN ADMIRALTY
	)	
Plaintiff,	)	CIVIL ACTION
	)	
v.	)	NO. 90-10081(King)
	)	
M/V ALEC OWEN MAITLAND,	)	
her engines, apparel, tackle,	)	
appurtenances, etc., <u>in rem</u> ,	)	
and Maitland Brothers Company,	)	
<u>in personam</u> ,	)	
	)	
Defendants.	)	CONSOLIDATED WITH
<hr/>		
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CIVIL ACTION
	)	
v.	)	NO. 90-0125(King)
	)	
M/V ALEC OWEN MAITLAND, her engines,	)	
apparel, tackle, appurtenances, etc.,	)	
<u>in rem.</u> ,	)	
	)	
Defendants.	)	
<hr/>		

ORDER OF DISMISSAL

THESE CAUSES came before the Court on this date upon a Stipulation for Dismissal by and between the parties herein, by and through their respective counsel, wherein and whereby it was stipulated and agreed that all matters and differences in dispute heretofore existing in the above-styled causes have been settled, compromised, adjusted, released, and discharged, and that the cause should be dismissed with prejudice with each party to bear its own attorney's fees, costs, and expenses, and the Court being otherwise duly and fully advised in the premises, it is

ORDERED AND ADJUDGED that these causes be and the same are hereby dismissed with prejudice with each party to bear its own attorney's fees, costs, and expenses; and it is

FURTHER ORDERED AND ADJUDGED that all letters of undertaking and bonds posted herein be and the same are hereby cancelled and their principals and sureties released from any further liability thereon.

DONE AND ORDERED in Chambers at Miami, Dade County, Florida, this 19 day of Dec, 1991.

**JAMES LAWRENCE KING**

---

James Lawrence King  
Chief Judge  
U.S. District Court  
Southern District of Florida

Copies furnished to:

Arthur J. Volkle, Jr., Esq.  
David P. Thompson, Esq.  
F. Lee Bailey, Esq.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

UNITED STATES OF AMERICA,	)	IN ADMIRALTY
	)	
Plaintiff,	)	CIVIL ACTION
	)	
v.	)	NO. 90-10081(King)
	)	
M/V ALEC OWEN MAITLAND,	)	
her engines, apparel, tackle,	)	
appurtenances, etc., <u>in rem</u> ,	)	
and Maitland Brothers Company,	)	
<u>in personam</u> ,	)	
	)	
Defendants.	)	CONSOLIDATED WITH
<hr/>		
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CIVIL ACTION
	)	
v.	)	NO. 90-0125(King)
	)	
M/V ALEC OWEN MAITLAND, her engines,	)	
apparel, tackle, appurtenances, etc.,	)	
<u>in rem.</u> ,	)	
	)	
Defendants.	)	
<hr/>		

STIPULATION OF SETTLEMENT AND RELEASE

IT IS HEREBY STIPULATED AND AGREED by and between the UNITED STATES OF AMERICA, plaintiff, and the M/V ALEC OWEN MAITLAND and Maitland Brothers Construction Co., defendants, through their respective attorneys:

I.

That the forenamed plaintiff and defendants do hereby agree to settle and compromise this civil action pursuant to the terms stated herein.

II.

That the plaintiff UNITED STATES OF AMERICA agrees to accept from the defendants a sum of ONE MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$1,450,000.00) in full and complete compromise, without interest and without costs, of any and all causes of action held by plaintiff, UNITED STATES OF AMERICA, herein arising in any way from the grounding of the M/V ALEC OWEN MAITLAND within the Key Largo National Marine Sanctuary in October, 1989, including the United States' claims for natural resource damages, forfeiture, and civil penalties assessed under NOAA Docket. No. M/V ALEC OWEN MAITLAND, SE 891070 MS, regardless of whether such causes or cause of action are stated, implied, or omitted in the plaintiff's complaint or any amendment thereto.

III.

That defendants agree to pay the sum of ONE MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$1,450,000.00) in a single check payable to the UNITED STATES OF AMERICA, in full and complete compromise, without interest and without costs, of any and all causes of action held by plaintiff, UNITED STATES OF AMERICA, arising in any way from the grounding of the M/V ALEC OWEN MAITLAND within the Key Largo National Marine Sanctuary in October, 1989, including the United States' claims for natural resource damages, forfeiture, and civil penalties assessed under NOAA Docket. No. M/V ALEC OWEN MAITLAND, SE 891070 MS, regardless of whether such causes or cause of action are stated, implied, or omitted in the plaintiff's complaint or any amendment thereto.

IV.

In consideration of payment of said ONE MILLION, FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$1,450,000.00), the UNITED STATES OF AMERICA, all its agencies, and parts, First Parties, remise, release, acquit, satisfy, and forever discharge the M/V ALEC OWEN MAITLAND, her owners, operators, managers, agents, charterers, master, officers, and crew, including but not limited to Maitland Brothers Construction Co., and their respective protection and indemnity associations/insurers, Second Parties, of and from all and all manner of, action and actions, cause and causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, executions, claims, and demands whatsoever, in law, in admiralty, or in equity, which the First Parties ever had, now have, or which any personal representative, successor, heir, or assign of said First Parties, hereafter can, shall, or may have, against said Second Parties, for, upon, or by reason of the grounding of the M/V ALEC OWEN MAITLAND within the Key Largo National Marine Sanctuary in October, 1989.

V.

That the plaintiff agrees to dismiss, with prejudice, this civil suit against defendants.

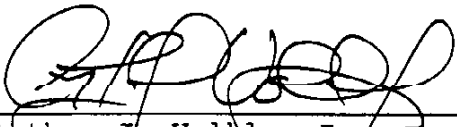
VI.

That the persons whose signatures are subscribed hereto so act as counsel for the parties noted and warrant that such signatures are subscribed hereto with full authority to compromise and settle all interests of the parties whom such counsel purport to represent herein.

Dated: September 25, 1991

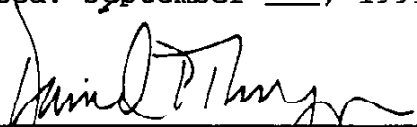
STUART M. GERSON  
Assistant Attorney General

DEXTER W. LEHTINEN  
United States Attorney


  
Arthur J. Volkle, Jr.  
Trial Attorney  
Torts Branch, Civil Division  
U.S. Department of Justice  
Post Office Box 14271  
Washington, D.C. 20044-4271

Counsel for Plaintiff

<sup>October</sup>  
Dated: ~~September~~ 23, 1991.

  
David P. Thompson, Esq.  
Palmer, Biezup & Henderson  
956 Public Ledger Building  
Independence Square  
600 Chestnut Street  
Philadelphia, PA 19106

Dated: September 30, 1991.

  
F. Lee Bailey, Esq.  
Bailey, Fishman, Freeman  
& Ferrin  
400 Centrepark Boulevard  
Suite 909  
West Palm Beach, FL 33401

Counsel for Defendants