

**DISTRICT COURT OF THE VIRGIN ISLANDS**

**DIVISION OF ST. CROIX**

**DANIEL GIANNINI,**

**Plaintiff,**

**v.**

**2005-CV-0096**

**Vessel HARBOR CAT a/k/a "THE OCEAN  
CLUB" her engines, tackle, apparel, gear, etc.,  
and MILEMARK, INC.,**

**Defendants.**

**TO: Scot F. McChain, Esq.  
Michael Fitzsimmons, Esq.  
E. Geoffrey Wolfe, Esq.**

**ORDER REGARDING DEFENDANT HARBOR CAT'S MOTION FOR RELEASE OF  
VESSEL AND/OR VESSEL SECURITY**

THIS MATTER is before the Court upon Defendant Harbor Cat's Motion For Release of Vessel and/or Vessel Security (Docket No. 142). Plaintiff filed a response to said motion.

In such response, Plaintiff declares that he is unable to post the counterclaim security as previously ordered by the Court. Order Regarding Defendant Harbor Cat's Demand For Counterclaim Security and Defendant Milemark, Inc.'s Joinder in M/V Harbor Cats Demand For Counterclaim Security Against Plaintiff and Motion to Increase Amount Posted as Security Against Milemark's Counterclaims (Docket No.121). Plaintiff states that

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he, therefore, “relinquishes his claim to security against MV Harbor Cat, [sic] and does not oppose Harbor Cat’s motion for release of vessel security.” Response at 1.

Based upon Plaintiff’s voluntary relinquishment of his claim for security, the Court will grant said Defendant’s motion for release of vessel security. The Court previously granted said Defendant’s Motion For Show Cause Hearing (Docket No. 140) and scheduled a hearing. Order Setting Hearing (Docket No. 146). However, said motion was based upon Plaintiff’s failure to post countersecurity and the claim for such security ceases to exist upon the release of security, the need for such a hearing is now obviated.

Accordingly, it is hereby **ORDERED**:

1. Defendant Harbor Cat’s Motion For Release of Vessel and/or Vessel Security (Docket No. 142) is **GRANTED**.
2. The security posted by Defendant Harbor Cat is **RELEASED**.
3. The Court’s Order Regarding Defendant Harbor Cat’s Demand For Counterclaim Security and Defendant Milemark, Inc.’s Joinder in M/V Harbor Cats Demand For Counterclaim Security Against Plaintiff and Motion to Increase Amount Posted as Security Against Milemark’s Counterclaims (Docket No.121) is **VACATED**.

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4. The hearing currently scheduled for October 11, 2007, at 9:30 a.m. (Order Continuing Hearing on Motions (Docket No. 147)) is **CANCELED**.

ENTER:

Dated: September 21, 2007

\_\_\_\_\_/s/  
GEORGE W. CANNON, JR.  
U.S. MAGISTRATE JUDGE