

126-09/MEU
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

09 CV 1020 (RMB)

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NORDEN A/S,

Plaintiff,

- against -

RTI LTD. f/k/a RUSAL TRADING
INTERNATIONAL LIMITED,

Defendant.
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**ORDER
DIRECTING CLERK TO ISSUE
PROCESS OF MARITIME
ATTACHMENT AND
GARNISHMENT;
APPOINTING PERSON TO
SERVE PROCESS PURSUANT
TO RULE 4(c); AND
CONCERNING SCOPE OF
SERVICE**

Upon reading and filing the Verified Complaint of the Plaintiff herein, verified on the 4th day of February, 2009, and the Affidavit of Michael E. Unger, sworn to on the same day, that to the best of his information and belief Defendant RTI LTD. f/k/a RUSAL TRADING INTERNATIONAL LIMITED cannot be found within this District for the purpose of an attachment under Supplemental Rule B(1) and in support of an order appointing a special process server pursuant to Rule 4(c), and the Court having found that the conditions required by Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure exist, and good cause having been shown,

NOW, upon motion of Freehill Hogan & Mahar, LLP, attorneys for the Plaintiff, it is hereby

ORDERED that the Clerk of this Court is directed forthwith to issue the Process of Maritime Attachment and Garnishment for seizure of all tangible and intangible property of the Defendant, as described therein, including but not limited to any property of the Defendant such as any cash, funds, escrow funds, debts, credits, wire transfers, electronic funds transfers, accounts, letters of credit, freights, sub-freights, charter hire, sub-charter hire, and/or other assets of, belonging to, due or being transferred to, from, or for the benefit of the Defendant RTI LTD.

f/k/a RUSAL TRADING INTERNATIONAL LIMITED (collectively, "ASSETS"), including but not limited to such ASSETS as may be held, received or transferred in their name or as may be held, received or transferred for their benefit, at, through, or within the possession, custody or control of ABN Amro North America, American Express Bank, Bank of America, Barclays Bank PLC / Barclays Capital Inc., BNP Paribas, Citibank, Deutsche Bank Trust Co., HSBC, HSBC USA Bank NA, JPMorgan Chase Bank, Nordea Bank Finland Plc, Standard Chartered Bank, The Bank of New York Mellon, UBS AG/UBS Investment Bank, and/or Wachovia Bank, and/or other garnishee(s) on whom a copy of the Process of Maritime Attachment and Garnishment may be served, in the amount of **\$98,273,479.82**, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and it is further

ORDERED that supplemental process enforcing the Court's Order may be issued and served without further Order of the Court; and it is further

ORDERED that Barbara G. Carnevale, Robert Ridenour, Joan Sorrentino, Christina Gargano, or any other partner, associate, paralegal or other agent of Freehill Hogan & Mahar LLP be and is hereby appointed, in addition to the United States Marshal, to serve the Process of Maritime Attachment and Garnishment and the Verified Complaint, together with a copy of this Order and any interrogatories, upon the named garnishee(s), together with any other garnishee(s) who (based upon information developed subsequent hereto by the Plaintiff) may hold assets of, for, or on behalf of the Defendant; and it is further

~~**ORDERED** that following initial service upon any garnishee by the United States Marshal or any other person designated by this or any subsequent Order to make service in this action, supplemental service of the Process of Maritime Attachment and Garnishment may~~

~~thereafter be made by way of facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee so personally served, such service to be in accordance with each garnishee's preference or policy, and such facsimile or other electronic transmission shall be deemed to be made within the district if it has been sent from within the district; and it is further~~

O R D E R E D that service on any garnishee herein is deemed to be effective and continuous service throughout the remainder of the day upon which such service is made commencing from the time of such service, and it is further deemed to be effective through the end of the next business day, provided another service is made the next business day.

Dated: ~~New York, New York~~
~~February ____, 2000~~

~~The Honorable Richard M. Berman, U.S.D.J.~~

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ADDENDUM TO ORDER FOR THE PROCESS OF MARITIME ATTACHMENT

IT IS FURTHER ORDERED that:

1. This Addendum is an integral part of the order of today's date for the process of maritime attachment pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims. If any provision of this Addendum conflicts with the body of the order, the provision of this Addendum shall be controlling.

2. The parties shall appear at a conference before the Court on March 16, 2009 at 9:00 am, in Courtroom 21D (21st floor), 500 Pearl Street, U.S. District Courthouse, to provide the Court with a report on the status of this matter and the underlying arbitration proceeding. At the time of the conference, if no property belonging to the defendant(s) has been attached, and/or the underlying arbitration proceeding has not diligently been pursued, plaintiff(s) must show cause why the Court should not dismiss the action.

3. Following initial service, supplemental service of the process of maritime attachment and garnishment may be accomplished as the parties may agree in writing signed by each party.

4. If this matter has been placed under seal by order of a Part I Judge, such sealing shall expire 10 days from the date hereof unless plaintiff shows by letter with authorities that continued sealing outweighs the presumption of public access to judicial documents.

Dated: New York, New York
February 10, 2009



Richard M. Berman, U.S.D.J.