

**IN THE UNITED STATES DISTRICT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
CASE NO. 4:10-CR-35**

UNITED STATES OF AMERICA

v.

**COOPERATIVE SUCCESS MARITIME
S.A.
Defendant**

**MOTION TO ORDER PAYMENT OF
WHISTLEBLOWER AWARD**

NOW COMES, Abbie Pasaquian, by and through the undersigned counsel, and moves this Honorable Court to order payment of the award for Whistleblower proceeds granted and Ordered by the Court on 25 June 2010. In support thereof, Mr. Pasaquian show unto the Court:

1. Mr. Pasaquian was employed as an engineer aboard the Motor Tanker Chem Faros, which was owned by Cooperative Success Maritime, S.A. (“CSM”).
2. When the Chem Faros entered port in Morehead City on 29 March 2010, Mr. Pasaquian was one of several men who alerted the U.S. Coast Guard authorities as to certain criminal activities previously occurring aboard the Chem Faros under the watch of Vaja Sikharulidze, Chief Engineer of the Chem Faros.
3. As a result of the information provided to the U.S. Coast Guard and Mr. Pasaquian’s continued cooperation, including Grand Jury testimony, CSM and Sikharulidze were prosecuted in the Eastern District of North Carolina.
4. Sikharulidze subsequently pled guilty on 03 May 2010 of violating of Title 33, United States Code, Section 1908(a), and Title 33, Code of Federal Regulations, Section 151.25, and MARPOL Annex I, Regulation 20 and Appendix III (D).
5. CSM subsequently pled guilty to a two-count criminal information which charged CSM with a violation of the Act to Prevent Pollution for Ships, 33 U.S.C. § 1908(a) (count one); and Making, Using, and Causing the Making and Use of Material False Writings in violation of 18 U.S.C. §1001 (a) (count two). The corporation was sentenced to Five (5) years of probation for each count to run concurrently and to pay a total criminal fine of Eight Hundred and Fifty Thousand (\$850,000.00) allocated as follows: Count One, Five Hundred Thousand Dollars (\$500,000.00); Count Two, Two Hundred Thousand Dollars (\$200,000.00); and a community service payment of One Hundred and Fifty Thousand Dollars (\$150,000.00).
6. Subsequently, on 25 June 2010, this Honorable Court, in its discretion, directed the Clerk of Court to pay Mr. Pasaquian a Fifty Thousand Dollar (\$50,000.00) award for his assistance in the successful prosecution of this case.

7. Upon information and belief, CSM has paid the government a total fine of Five Hundred Thousand Dollars (\$500,000.00).
8. Upon information and belief, payments to the Government by CSM exceed the award granted to Mr. Pasaquian, and Mr. Pasaquian would request that this Honorable Court order the payment of Fifty Thousand Dollars (\$50,000.00) to Mr. Pasaquian from the received payments immediately.
9. Mr. Pasaquian testified against his employer and against others aboard the Chem Faros, gathered evidence to aid in the successful prosecution of this matter, and placed himself at great personal risk. The \$50,000.00 award granted was intended to reward him for his efforts.
10. Upon information and belief, CSM has paid the entire fine from which the award to Mr. Pasaquian is to be paid.
11. Upon information and belief, the Clerk of Court is in receipt of the Five Hundred Thousand Dollars (\$500,000.00) fine anticipated by the Court's Order of 25 June 2010.
12. Pursuant to 33 U.S.C. §1908(a), the Court held the authority to order up to one-half of the Five Hundred Thousand Dollars (\$500,000.00) fine to the several witnesses named in the Order of 25 June 2010.
13. Upon information and belief, the fine having been paid, Mr. Pasaquian and others are entitled to disbursement of the award Ordered on 25 June 2010.
14. To date, Mr. Pasaquian has received no payment from the Clerk of Court despite have executed the required Acknowledgement of Receipt and Authority to Receive Payment on 16 July 2010 and filing same on 13 September 2010.

WHEREFORE, award recipient Abbie Pasaquian, by and through the undersigned counsel, prays this Honorable Court Order the Clerk of Court to make disbursement of Fifty Thousand Dollars (\$50,000.00) to Mr. Pasaquian immediately in compliance with the Order of this Court on 25 June 2010.

RESPECTFULLY SUBMITTED this the 3rd day of July, 2011.

By: /s/ Walter A. Schmidlin, III
Stewart and Schmidlin, PLLC
Attorney for the Defendant
105 South Third Street
Post Office Drawer 120
Smithfield, North Carolina 27577
Telephone: 919.989.9258
Facsimile: 919.989.8905
E-mail: Walter@StewartandSchmidlin.com
North Carolina State Bar No. 26714

CERTIFICATE OF SERVICE

I hereby certify that on this the 3rd day of July, 2011 a copy of the foregoing **MOTION TO ORDER PAYMENT OF WHISTLEBLOWER AWARD** was served upon the below by electronically filing the foregoing with the Clerk of Court through CM/ECF thereby providing electronic copies to those named below.

Ms. Banu Rangarajan
U.S. Attorney's Office
The Terry Sanford Federal Building
310 New Bern Avenue, Suite 800
Raleigh, North Carolina 27601

RESPECTFULLY SUBMITTED this the 3rd day of July, 2011.

By: /s/ Walter A. Schmidlin, III
Stewart and Schmidlin, PLLC
Attorney for the Defendant
105 South Third Street
Post Office Drawer 120
Smithfield, North Carolina 27577
Telephone: 919.989.9258
Facsimile: 919.989.8905
E-mail: Walter@StewartandSchmidlin.com
North Carolina State Bar No. 26714

**IN THE UNITED STATES DISTRICT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
CASE NO. 4:10-CR-35**

UNITED STATES OF AMERICA

v.

**COOPERATIVE SUCCESS MARITIME
S.A.
Defendant**

**MOTION TO ORDER PAYMENT OF
WHISTLEBLOWER AWARD**

This matter coming before this Honorable Court upon motion of witness/whistleblower Abbie Pasaquian, by and through the undersigned counsel, for the immediate payment of Fifty Thousand Dollars (\$50,000.00) previously awarded by Order of this Honorable Court on 25 June 2010, and the Court finding the Granting of such motion appropriate;

The Court does hereby ORDER the Clerk of Court to issue and disburse payment to Abbie Pasaquian, by payment to the trust account of his attorney as previously authorized, or to Mr. Pasaquian directly, within thirty (30) days of this Order, the sum of Fifty Thousand Dollars (\$50,000.00), to be drawn from fine the fine previously paid by the above-named defendant in the amount of Five Hundred Thousand Dollars (\$500,000.00).

This the _____ day of July, 2011.

James C. Dever, III
United States District Court Judge