

UNITED STATES DISTRICT COURT

Northern

District of

California

UNITED STATES OF AMERICA

V.

DIANIK BROSS SHIPPING CORP., S.A.

JUDGMENT IN A CRIMINAL CASE

(For Organizational Defendants)

CASE NUMBER: 3:11-cr-00828-JW-1

Thomas Russo

Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

pleaded guilty to count(s) one of the information

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) _____
after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
33 U.S.C § 1908 (a)	Failure to maintain an accurate Oil Record Book	8/3/2011	1

The defendant organization is sentenced as provided in pages 2 through 6 of this judgment.

The defendant organization has been found not guilty on count(s) _____

Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

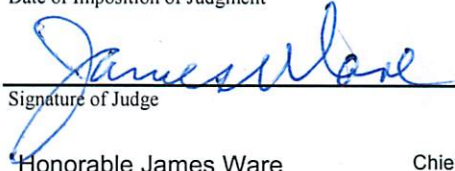
Defendant Organization's
Federal Employer I.D. No.: None

Defendant Organization's Principal Business Address:

46 Filonos Street 3rd Floor
185 35, Piraeus, Greece

11/15/2011

Date of Imposition of Judgment


Signature of Judge

Honorable James Ware

Chief U.S. District Judge

Name of Judge

Title of Judge

Date

November 17, 2011

Defendant Organization's Mailing Address:

same as above

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PROBATION

The defendant organization is hereby sentenced to probation for a term of:
two (2) years

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

See terms of probation on attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organizations's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

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ADDITIONAL PROBATION TERMS

1. Dianik Bross agrees that it shall commit no further violations of federal, state, or local laws, including those laws and regulations for which primary enforcement has been delegated to state authorities, and shall conduct all its operations in accordance with the environmental laws of the United States.
2. Payments in full of the monetary amounts set forth herein including all special assessments, fine, restitution, and community service payments.
3. Consistent with the sentencing policies set forth in United States Sentencing Guideline § 8D1.4, Dianik Bross agrees to develop, adopt, implement, and fund the Environmental Compliance Plan ("ECP").
4. Dianik Bross agrees that during the period of probation, and at all reasonable times and with as reasonable prior notice to the government as practicable, it will provide the government with full access to its operations as appropriate within its security and its safety policies and practices, as well as all facilities, employees, and records that are relevant to monitoring compliance with the terms and conditions of the ECP.
5. If Dianik Bross changes its name, the renamed company shall be obliged to meet all of the obligations of Dianik Bross under this Agreement. If Dianik Bross merges with another company, the newly created or merged company shall be obliged to meet all of the obligations of Dianik Bross under this Agreement.

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CRIMINAL MONETARY PENALTIES

The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 400.00	\$ 500,000.00	\$ 150,000.00

- The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
National Fish & Wildlife Foundation		\$150,000.00	
Attention Chief Financial Officer			
1133 15th Street, N.W. Suite 1100			
Washington, D.C. 20005			
TOTALS	\$ 0.00	\$ 150,000.00	

- Restitution amount ordered pursuant to plea agreement \$ 150,000.00
- The defendant organization shall pay interest on restitution or a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 4 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:
- the interest requirement is waived for the fine restitution.
- the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ 650,400.00 due immediately, balance due
- not later than _____, or
 in accordance with C or D below; or
- B Payment to begin immediately (may be combined with C or D below); or
- C Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Special instructions regarding the payment of criminal monetary penalties:
Community restitution of \$150,000.00 due November 15, 2011 and fine of \$500,000.00 and special assessment of \$400.00 is due by November 22, 2011.

All criminal monetary penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant organization shall pay the cost of prosecution.
- The defendant organization shall pay the following court cost(s):
- The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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STATEMENT OF REASONS

- The sentence is within the guideline range and the court finds no reason to depart from the sentence called for by the application of the guidelines.

OR

- The sentence departs from the guideline range:
- upon motion of the government, as a result of a defendant's substantial assistance, or
 - for the following specific reason(s):