

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
	§	
v.	§	CRIMINAL NO. C-08-393
	§	
	§	
GENERAL MARITIME MANAGEMENT,	§	
(Portugal)	§	
ANTONIO RODRIGUES, and	§	
JOSE CAVADAS,	§	
Defendants	§	

**MOTION OF THE UNITED STATES FOR THE DISPERSEMENT
AND PAYMENT OF AWARD MONIES TO THE CREWMEN
OF THE M/T GENMAR *DEFIANCE* WHO TESTIFIED AT TRIAL**

COMES NOW, the United States of America and files this Motion for the Disbursement and Payment of Award Monies to the Crewmen of the Genmar *Defiance* who Testified at Trial and in support thereof avers the following:

Five (5) crewmen of the vessel Genmar *Defiance* provided assistance to the government in the investigation and trial of the defendants captioned above, for violation of the Act to Prevent Pollution from Ships (APPS), 33 U.S.C. § 1908 (a), and for making false statements to the United States Coast Guard in violation of 18 U.S.C. § 1001. The defendants were found guilty of the charges on November 25, 2008. The defendants have not appealed their convictions and the time for filing an appeal has passed. The defendants' convictions are final.

As the time for the filing of an appeal from their convictions has passed, and defendant's convictions are final, it is appropriate that the district court effectuate its order and distribute the award monies to the five whistle blowers as provided for in the order of April 7, 2009.

For their assistance to the United States, the government sought to have the five (5) crewmen awarded one half of the criminal fine imposed by the district court for the APPS violation pursuant to 33 U.S.C. § 1908(a). On or about April 7, 2009, the district court ordered that \$250,000 of the \$500,000 fine imposed against the defendant, General Maritime Management (Portugal), be distributed among the crewmen (whistle blowers) as follows: \$30,000 each to Edgar Limos, Richard Mipa Ramos and Ramoncito Umali; \$70,000 to Ruben Buenbraso and \$90,000 to Romulo Loquero. See Docket # 332.

On or about February 17, 2009 the district court also ordered that one half of the \$500 fine paid by each of the individuals on the APPS count be distributed evenly among the whistle blowers. Each of the whistle blowers is entitled to \$50 from the fine paid by the defendant Rodrigues (Docket # 286) and \$50 from the fine paid by the defendant Cavadas (Docket # 288).

The United States believes the district court has at least two options on how to distribute the award monies to the whistle blowers. It is the experience of the Environmental Crimes Section that each option has been used by other district courts to distribute awards ordered pursuant to 33 U.S.C. § 1908 (a).

One option available to the Court is to direct the Clerk of Court for the United States District Court for the Southern District of Texas to prepare a check in the appropriate amount and name of the individual whistle blower. The checks should then be forwarded by the Clerk to the United States Embassy in the Phillippines to Robert E. Courtney, III, Department of Justice Attache, who will arrange for the distribution of the checks to the individual whistle blowers. Mr. Cortney's address is: American Embassy Manila, 1201 Roxas Boulevard, Ermita , 1000 Manila, Philippines. His telephone number is (6 32) 301-2000.

Another option available to the Court is to direct the Clerk of Court for the United States District Court for the Southern District of Texas to prepare a check in the appropriate amount and name of the attorney for the individual whistle blower and to direct the attorney to distribute the monies by depositing the checks into the attorney client account and transfer the funds to the individual whistle blowers (client).

The government has submitted a separate proposed order for each of the options set out above.

WHEREFORE, and for the reasons stated above, the United States requests that this Honorable Court order the distribution of award monies to the whistle blowers as directed in the Court's April 7, 2009 and February 17, 2009 orders.

Respectfully submitted,

/s/ William R. Miller by permission of lead counsel

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U.S. Department of Justice
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WILLIAM R. MILLER
Special Assistant United States Attorney
Southern District of Texas
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Trial Attorney
Environmental Crimes Section

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for the Disbursement and Payment of Award Monies to the Crewmen of the Genmar *Defiance* who Testified at Trial was served on counsel for the defendants as identified below via the ECF System.

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DATED: May 21, 2009

/s/ Howard P. Stewart

HOWARD P. STEWART

UNITED STATES DISTRICT COURT
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ORDER

AND NOW, upon consideration of the government's Motion for the Disbursement and Payment of Award Monies to the Crewmen of the Genmar *Defiance* who Testified at Trial, the motion is GRANTED. It is hereby ORDERED that the Clerk of Court for the United States District Court for the Southern District of Texas shall distribute by check the monies awarded to the five whistle blowers in the amounts set forth in this Court's order in this matter dated April 7, 2009 (Docket # 332) as follows: \$30,000 each to Edgar Limos, Richard Mipa Ramos and Ramoncito Umali; \$70,000 to Ruben Buenbraso and \$90,000 to Romulo Loquero, and this Court's orders of February 17, 2009 (Docket # 286 and Docket # 288) as follows: each of the whistle blowers is entitled to \$50 from the fine paid by the defendant Antonio Rodrigues and \$50 from the fine paid by the defendant Jose Cavadas.

The Clerk shall send the checks to the United States Embassy in the Phillipines care of Robert E. Courtney, III, Department of Justice Attache, American Embassy Manila, 1201 Roxas Boulevard, Ermita , 1000 Manila, Phillipines, telephone number (6 32) 301-2000.

It is further ORDERED that Robert E. Courtney, III, Department of Justice Attache, American Embassy Manila shall arrange for the distribution of the checks to the individual whistle blowers and there after notify this court of the distribution.

SO ORDERED.

DATED: _____

JANIS GRAHAM JACK
United States District Judge

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AND NOW, upon consideration of the government’s Motion for the Disbursement and Payment of Award Monies to the Crewmen of the Genmar *Defiance* who Testified at Trial, the motion is GRANTED.

It is hereby ORDERED that the Clerk of Court for the United States District Court for the Southern District of Texas shall distribute by check the monies awarded to the five whistle blowers in the amounts set forth in this Court’s order in this matter dated April 7, 2009 (Docket # 332) by checks in the name of the attorney of record for each of the individual whistle blowers as follows: \$30,000 each to Edgar Limos, Richard Mipa Ramos and Ramoncito Umali; \$70,000 to Ruben Buenbraso and \$90,000 to Romulo Loquero, and this Court’s orders of February 17, 2009 (Docket # 286 and Docket # 288) as follows: each of the whistle blowers is entitled to \$50 from the fine paid by the defendant Antonio Rodrigues and \$50 from the fine paid by the defendant Jose Cavadas. The Clerk shall send the checks to the attorney of record for each of the individual whistle blowers.

It is further ORDERED that the attorney of record for each of the individual whistle blowers shall arrange for the distribution of the checks to the client whistle blowers and there after notify this court of the distribution.

SO ORDERED.

DATED: _____

JANIS GRAHAM JACK
United States District Judge