

UNITED STATES DISTRICT COURT

EASTERN

District of

LOUISIANA

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE

(For Organizational Defendants)

GULF STOLT SHIP MANAGEMENT, JLT

CASE NUMBER: 13-146 "N"

Harry Rosenberg/Kevin J. LaVie

Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

- pleaded guilty to count(s) 1 and 2 of the Bill of Information on July 17, 2013
pleaded nolo contendere to count(s)
was found guilty on count(s) after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Rows include 33 U.S.C. § 1908(a) and C.F.R. 151.25(a)&(h) and 18 U.S.C. § 1519, 18:2.

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.

Defendant Organization's Federal Employer I.D. No.: Unknown

Defendant Organization's Principal Business Address:

Saba Tower 1, 32nd Floor

Jumeirah Lake Towers

P.O. Box 123548

Dubai, U.A.E

Defendant Organization's Mailing Address:

same as above

October 16, 2013 Date of Imposition of Judgment

Handwritten signature of Kurt D. Engelhardt

Signature of Judge

Kurt D. Engelhardt, United States District Judge Name and Title of Judge

10/16/13 Date

DEFENDANT ORGANIZATION: GULF STOLT SHIP MANAGEMENT, JLT
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PROBATION

The defendant organization is hereby sentenced to probation for a term of :
3 years from the date of sentencing.

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).

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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SPECIAL CONDITIONS OF SUPERVISION

- 1) The defendant shall not commit any further violations of Marpol 73/78, or any other federal, state or local law, including those laws and regulations for which primary enforcement has been delegated to state authorities, and shall conduct all its operations in accordance with environmental laws of the United States.
- 2) The defendant shall pay in full the monetary amounts ordered as part of its sentence, including all assessments, fines, restitution, and community service.
- 3) The defendant shall implement an approved Environmental Compliance Plan ("ECP"), during its term of probation.
- 4) In the event that the monetary amounts ordered as part of its sentence are not paid in full on the day of sentencing, the defendant, so long as any of those amounts remain unpaid, shall make full and complete disclosures of its business and financial records.
- 5) In the event that the monetary amounts ordered as part of its sentence are not paid in full on the day of sentencing, the defendant, so long as any of those amounts remain unpaid, shall not apply for, solicit, or incur any further debt, including but not limited to loans or lines of credit, either as a principal, co-signor or guarantor, directly or through any related entity or organization, without first obtaining the permission of the probation officer.
- 6) As previously stated, because the community service payment is designated as community service by an organization, the defendant will not seek any reduction in its tax obligations as a result of these payments. In addition, since the payment constitutes community service, the defendant will not characterize, publicize, or refer to the payment as a voluntary donation or contribution.

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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	\$ 800.00	\$ 750,000.00	\$

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>
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TOTALS	\$ _____	\$ _____
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Restitution amount ordered pursuant to plea agreement \$ _____

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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ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

1) The defendant pay a total criminal monetary penalty of \$850,000.00. Of that amount, \$750,000 is a fine and is payable immediately. Payment is to be made to the Financial section of the Office of the Clerk of Court of the United States District Court for the Eastern District of Louisiana, 500 Poydras Street, Room C151, New Orleans, Louisiana 70130. The court will waive the interest requirement for the fine.

The remaining \$100,000 shall be paid as a community service payment to the National Marine Sanctuary Foundation. Because the community service payment is designated as community service by an organization, the defendant will not seek any reduction in its tax obligations as a result of these payments. In addition, since the payment constitutes community service, the defendant will not characterize, publicize, or refer to the payment as a voluntary donation or contribution.

In accordance with the terms of the Rule 11(c)(1)(C) Plea Agreement, the company will pay the total monetary penalty in full on the day of sentencing.

2) The company also must pay a special assessment of \$400.00 for each count, for a total of \$800.00, which is due immediately. Failure to pay this special assessment on the day of sentencing may result in the plea agreement being void.

3) Pursuant to the Rule 11(c)(1)(C) Plea Agreement, the company also will be placed on organizational probation for a period of three (3) years from the date of sentencing.

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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 \$ 850,000.00 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:
 - 1) The defendant pay a total criminal monetary penalty of \$850,000.00. Of that amount, \$750,000 is a fine and is payable immediately. Payment is to be made to the Financial section of the Office of the Clerk of Court of the United States District Court for the Eastern District of Louisiana, 500 Poydras street, Room C151, New Orleans, Louisiana 70130. The court will waive the interest requirement for the fine.

The remaining \$100,000 shall be paid as a community service payment to the National Marine Sanctuary Foundation. Because the community service payment is designated as community service by an organization, the defendant will not seek any reduction in its tax obligations as a result of these payments. In addition, since the payment constitutes community service, the defendant will not characterize, publicize, or refer to the payment as a voluntary donation or contribution.

In accordance with the terms of the Rule 11(c)(1)(C) plea agreement, the company will pay the total monetary penalty in full on the day of sentencing.
 - 2) The company also must pay a special assessment of \$400.00 for each count, for a total of \$800.00, which is due immediately. Failure to pay this special assessment on the day of sentencing may result in the plea agreement being void.

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.