

**UNITED STATES DISTRICT COURT**  
**District of Maryland**

UNITED STATES OF AMERICA **JUDGMENT IN A CRIMINAL CASE**  
V. (For Organizational Defendants)

IRIKA SHIPPING, S.A.

CLERK'S OFFICE  
AT BALTIMORE  
BY \_\_\_\_\_

CASE NUMBER: JFM-1-10-CR-00372-001

Dimitri Georgantas & Walter Becker, RET  
Defendant Organization's Attorney

**THE DEFENDANT ORGANIZATION:**

- pleaded guilty to count(s) 1 - 6
- 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:

| <u>Title &amp; Section</u> | <u>Nature of Offense</u>             | <u>Offense Ended</u> | <u>Count</u> |
|----------------------------|--------------------------------------|----------------------|--------------|
| 18:1505                    | Obstruction of Agency Proceedings.   | 01/09/10             | 1            |
| 18:1519                    | Falsification of Records.            | 01/09/10             | 2-4          |
| 33:1908(a)                 | Act to prevent Pollution from Ships. | 01/09/10             | 5 & 6        |

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.: \_\_\_\_\_

Defendant Organization's Principal Business Address:

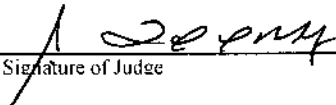
Irika Shipping S.A.

24 Kolokotroni Street

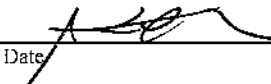
Piraeus 185 31 Greece

Defendant Organization's Mailing Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

September 21, 2010  
Date of Imposition of Judgment

  
Signature of Judge

J. FREDERICK MOTZ, U.S. DISTRICT JUDGE  
Name and Title of Judge

 10/15/10  
Date

DEFENDANT ORGANIZATION: IRIKA SHIPPING, S.A.  
CASE NUMBER: JFM-1-10-CR-00372-001

### PROBATION

The defendant organization is hereby sentenced to probation for a term of : 5 years from the date of sentencing pursuant to 18 U.S.C.§3561(c)(1).

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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### **ADDITIONAL PROBATION TERMS**

1. The defendant shall not violate MARPOL 73/78, federal, state, or local laws, and shall conduct all its operations in accordance with environmental laws of the United States.
2. The defendant shall pay all special assessments, fines and restitution, and community service.
3. The defendant shall develop, adopt, establish, implement and fund the environmental remedial measures set forth in the plea agreement, specifically the Enhanced Environmental Compliance Plan (“EECP”) which appears as Attachment 2 to the plea agreement, including but not limited to retaining the services of outside independent auditors (the External Audit Group and Third Party Auditor) and the funding a Court Appointed Monitor (“CAM”) to review the adequacy of the EECP and the audits required by the EECP and as performed by the auditor and to report to the Court and Office of Probation as set forth in the EECP.
4. The defendant shall comply with the plea 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> |
| <b>TOTALS</b> | \$ 2,400.00       | \$ 2,250,000.00 | \$                 |

- 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> |
|--|--------------------|----------------------------|-------------------------------|
| Clerk, U.S. District Court<br>101 W. Lombard St.<br>4 <sup>th</sup> Floor<br>Baltimore, Md. 21201<br>(For payment to the victims<br>as indicated herein) |                    |                            |                               |

|               |          |   |          |   |
|---------------|----------|---|----------|---|
| <b>TOTALS</b> | \$ _____ | 0 | \$ _____ | 0 |
|---------------|----------|---|----------|---|

- 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 shall pay the amount of \$250,000.00 as to Count No. 1; and \$500,000.00 as to Count Nos. 3,4,5 & 6. No fine amount was imposed as to Count No. 2.
2. The defendant shall make organizational community service payment in the amount of \$750,000.00. The parties agree that the community service funds shall be paid to NFWF should be earmarked for funding proposals from non-profit organizations to improve and restore the water quality of Chesapeake Bay or other related aquatic or marine resources in the State of Maryland and to identify and report to law enforcement illegal and point source pollution with the potential to adversely impact Chesapeake Bay.

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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 \$ 1,000,000.00 due immediately, balance due

not later than \_\_\_\_\_, or

in accordance  C or  D below; or

B  Payment to begin immediately (may be combined with  C or  D below); or

C  Payment \_\_\_\_\_ (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:

The fine amount of \$1,250,000.00 shall be paid not later than January 31, 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.