

UNITED STATES DISTRICT COURT

EASTERN

District of

LOUISIANA

UNITED STATES OF AMERICA

v.

JUDGMENT IN A CRIMINAL CASE

(For Organizational Defendants)

MARINE MANAGERS LTD.

CASE NUMBER: 14-118, Section J

Daniel Tadros

Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

X pleaded guilty to counts 1 & 2 of the bill of 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:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Rows include 33:1908(a) and 18:1519.

The defendant organization is sentenced as provided in pages 2 through 5 of this judgment.

The defendant organization has been found not guilty on 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.: N/A

Defendant Organization's Principal Business Address: 1 Skouze Street, 185 35 Piraeus, Greece

Defendant Organization's Mailing Address: 1 Skouze Street, 185 35 Piraeus, Greece

OCTOBER 2, 2014 Date of Imposition of Judgment

Signature of Judge

Carl J. Barbier, U.S. District Judge Name and Title of Judge

OCTOBER 2, 2014 Date

DEFENDANT ORGANIZATION: MARINE MANAGERS LTD.  
CASE NUMBER: 14-118, SECTION J

### PROBATION

The defendant organization is hereby sentenced to probation for a term of :

3 years as to each of counts 1 & 2, to run concurrently.

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.

### 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.

DEFENDANT ORGANIZATION: MARINE MANAGERS LTD.  
CASE NUMBER: 14-118, SECTION J

### ADDITIONAL PROBATION TERMS

- 1) The defendant shall pay any fine/restitution fee that is imposed by this judgment.
- 2) The defendant shall make full and complete disclosure of its business finances/financial records to the United States Probation Officer and submit to an audit of its business financial records as requested by the United States Probation Officer.
- 3) The defendant shall be required to notify the United States Probation Officer immediately upon learning of any material adverse change in its business or financial condition or prospects, the commencement of any bankruptcy proceeding or any major civil litigation in excess of \$25,000.00.
- 4) The defendant is to inform the United States Probation Officer of any breach of compliance involving the defendant's company. A description of the nature, date and time of the breach of compliance shall be provided to the United States Probation Officer within three days of the breach.
- 5) Within 90 days, the defendant shall engage the services of an outside, independent consultant/auditor, subject to the approval of the Court. This independent auditor will audit each aspect of the defendant's internal controls as to compliance with applicable rules and regulations, to the extent necessary. Subsequent to this first audit, any additional audits shall be performed at the discretion of the United States Probation Officer. All audit reports prepared shall be submitted to the United States Probation Officer. The corporate representative shall submit his or her report, if any, to the United States Probation Officer, describing all steps taken to address any issues in the independent auditor's report, along with the original independent auditor's report within 30 days after it is provided.
- 6) In addition to the record retention requirement set forth in the applicable portions of the Code of Federal Regulations, the defendant shall keep the records required to be retained pursuant to regulatory provisions for the period specified in the applicable regulation or for the duration of its probationary period, whichever is longer.

In addition, as per the Rule 11(c)(1)(C) agreement, the following special conditions are imposed:

- 1) The defendant shall make a community service payment of \$100,000, which shall be paid to the National Fish and Wildlife Foundation, to be paid within 30 days of sentencing.
- 2) The defendant shall continue to implement its Environmental Compliance Plan during the period of probation.
- 3) The defendant shall ensure that each of its vessels will be audited by an Independent Consultant during the first years of probation.
- 4) The defendant shall pay for a Court Appointed Monitor that will report to the Court and the United States during the period of probation.
- 5) The defendant shall provide written notice of (i) any corporate name change, (ii) any purchase or sale of vessels, (iii) any agreement to operate, manage, be designated as an ISM manager for, or man any vessel, (iv) any change in the name, call, sign, flag, owner, International Maritime Organization (IMO) number, or other identifying information of any vessel owned, operated, managed, International Safety Management (ISM)-managed, or manned by the defendant, and (v) any purchase, sale, reorganization, transfer of a plurality or controlling interest, or divestiture of the defendant company or (vi) any other change impacting upon or affecting the plea agreement.
- 6) The defendant shall not engage in any business reorganization, transfer of ownership, corporate dissolution, or other business practice in order to avoid the obligations set forth in the plea agreement.

DEFENDANT ORGANIZATION: MARINE MANAGERS LTD.  
 CASE NUMBER: 14-118, SECTION J

**CRIMINAL MONETARY PENALTIES**

The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Page 5.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 800.00 due immediately	\$ 800,000.00	\$ 0.0

- 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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<b>TOTALS</b>	\$ _____	\$ _____
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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.

DEFENDANT ORGANIZATION: MARINE MANAGERS LTD.  
CASE NUMBER: 14-118, SECT. J

### 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 \$ \_\_\_\_\_ 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) It is the finding of this Court that the defendant has the ability to pay a fine. Accordingly, the defendant is ordered to pay to the United States a total criminal fine of \$800,000.00. The Court will not waive the interest requirement in this case. Fine payments shall be made payable to the Clerk, United States District Court, and are to be forwarded to the following address: U.S. CLERK'S OFFICE, ATTN.: FINANCIAL SECTION, 500 POYDRAS STREET, ROOM C151, NEW ORLEANS, LOUISIANA 70130. The payment of the \$800,000 fine shall be paid, in full, immediately. The U.S. Probation Office and the U.S. Attorney's Office are responsible for enforcement of this order.

2) The defendant shall make a community service payment of \$100,000, which shall be paid to the National Fish and Wildlife Foundation within 30 days sentencing.

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.