

UNITED STATES DISTRICT COURT

WESTERN

District of

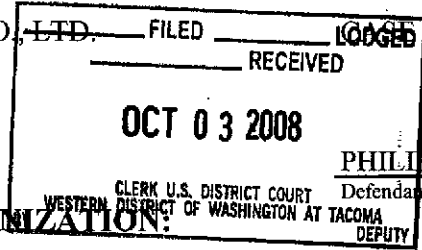
WASHINGTON

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE (For Organizational Defendants)

STX PAN OCEAN CO., LTD.



LOGGED NUMBER: CR08-5653BHS

PHILIP LEMPRIERE Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

X pleaded guilty to count 1 of the Information (Plea Date: October 3, 2008)

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

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

ACCORDINGLY, the court has adjudicated that the organizational defendant is guilty of the following offense(s):

Table with 4 columns: Title & Section, Nature of Offense, Date Offense Concluded, Count Number(s). Row 1: 33 U.S.C. §§ 1907(d) & 1908(a), Failure to Maintain Garbage Record Book, August 3, 2008, 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 shall 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. N/A

Defendant Organization's Principal Business Address:

STX Pan Ocean Co. Ltd.

STX Namsan Tower, 631 Namdaemunno5-ga

Jung-gu, Seoul, South Korea 100-958

Defendant Organization's Mailing Address:

SAME AS ABOVE.

Signature of James D. Oesterle, Assistant United States Attorney

October 3, 2008 Date of Imposition of Judgment

Signature of Benjamin H. Settle, Judicial Officer

HONORABLE BENJAMIN H. SETTLE, United States District Judge Name and Title of Judicial Officer

Date 10/3/08

DEFENDANT ORGANIZATION: STX PAN OCEAN CO., LTD.
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PROBATION

The defendant organization is hereby sentenced to probation for a term of THREE (3) YEARS

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

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant organization pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant organization shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant organization shall also comply with the 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;
- 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 organization is placed on probation for a period of three (3) years, subject to the conditions of probation for organizations outlined in Chapter 8, Part D for Organizational Probation and the terms of the plea agreement entered October 3, 2008.
2. Additional conditions of probation, as set forth in U.S.S.G. § 8D1.4©, are encompassed in the Plea Agreement. These conditions include provisions that the defendant organization commit no further violations of federal, state, or local law and shall conduct all its operations in accordance with the MARPOL Protocol; develop, adopt, implement, and fund a focused Environmental Compliance Plan (ECP) filed as set forth in Exhibit A to the Plea Agreement; provide the United States with full access to its vessels listed in the focused ECP; pay a **fine in the amount of Five Hundred Thousand Dollars (\$500,000)**, and make a **community service payment in the amount of Two Hundred Fifty Thousand Dollars (\$250,000)** as specified on pages 4 and 5 of this Judgment.
3. The defendant shall pay a special assessment in the amount of \$400.00 which shall be due immediately.

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ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

1. Pursuant to Title 33, United States Code, Section 1908(a), the Court, in its discretion, hereby awards the sum of Two Hundred Fifty Thousand Dollars (\$250,000) in equal shares of One Hundred Twenty-Five Thousand Dollars (\$125,000) to ROMUALDO B. ESTARIS and ANTHONY B. RUBIO for information they provided to the United States that led to the conviction of defendant STX PAN OCEAN CO., LTD.. The clerk of this court is directed to make payment of Messrs. Estaris and Rubio's award to Michael G. Martin, Messrs. Estaris and Rubio's counsel, in accordance with an "Authorization To Receive Payment" executed by Messrs. Estaris and Rubio.

2. The Court agrees defendant shall make a community service payment of an additional Two Hundred Fifty Thousand Dollars (\$250,000) pursuant to U.S.S.G. § 8B1.3, and in furtherance of the sentencing principles provided in 18 U.S.C. § 3553(a). Specifically, the community service payment shall be applied as follows:

A. Puget Sound Marine Conservation Fund

Two Hundred Fifty Thousand Dollars (\$250,000) shall be deposited into the Puget Sound Marine Conservation Fund to be administered by the National Fish and Wildlife Foundation, a Congressionally created organization. The deposited funds shall be used to finance projects that benefit, preserve, and restore the environment and ecosystems in the waters Puget Sound, the Straits of Juan de Fuca, and waters subject to tidal influence within Puget Sound and the Straits of Juan de Fuca. One half of the community service payment, or One Hundred Twenty-Five Dollars (\$125,000), shall be allocated within the Fund to the Northwest Straits initiative to be used in furtherance of its continuing efforts to clear marine debris from the waters of the Puget Sound. The balance of the community service payment shall be administered by the National Fish and Wildlife consistent with the objectives of the Fund.

~~The clerk of this court shall issue one check, made payable to the National Fish and Wildlife Foundation referencing the fund for which the check is being issued. The check shall be sent to:~~

Krystyna Wolniakowski, Director
Northwest Region
National Fish and Wildlife Foundation
806 SW Broadway, Suite 750
Portland, OR 97205

JMS

DEFENDANT ORGANIZATION: STX PAN OCEAN CO., LTD.
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SCHEDULE OF PAYMENTS

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

X **PAYMENT IS DUE IMMEDIATELY.** Any unpaid amount shall be paid:

- During the period of imprisonment, pursuant to the Bureau of Prison's Inmate Financial Responsibility Program.
- During the period of supervised release, in monthly installments amounting to not less than _____% of the defendant's gross monthly household income, to commence 30 days after the release from imprisonment.
- During the period of probation, in monthly installments amounting to not less than _____% of the defendant's gross monthly household income, to commence 30 days after the date of this judgment.

X Special instructions regarding the payment of criminal monetary penalties:

MAKE CHECK(S) FOR ALL CRIMINAL MONETARY PENALTIES, INCLUDING SPECIAL ASSESSMENTS, FINES, AND RESTITUTION, PAYABLE TO:

United States District Court Clerk, Western District of Washington. For restitution payments, the Clerk of the Court is to forward money received to the party(ies) designated to receive restitution specified at page 4 of this Judgment.

1. The payment schedule above is the minimum amount that the defendant is expected to pay towards the monetary penalties imposed by the Court. The defendant shall pay more than the amount established whenever possible.

2. The defendant must notify the Court, the United States Probation Office, and the United States Attorney's Office of any material change in the defendant's financial circumstances that might affect the ability to pay restitution.

All criminal monetary penalties are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States attorney.

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

Joint and Several

Defendant Name, Case Number, and Joint and Several Amount:

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) community restitution, (6) fine interest (7) penalties, and (8) costs, including cost of prosecution and court costs.