

**UNITED STATES DISTRICT COURT**  
**District of New Jersey**

UNITED STATES OF AMERICA

v.

Case Number 06-213-01

WALLENIUS SHIP MANAGEMENT

Defendant.

**AMENDED JUDGMENT IN A CRIMINAL CASE**  
**(For Offenses Committed On or After November 1, 1987)**

The defendant, WALLENIUS SHIP MANAGEMENT, was represented by Michael Chalos.

The defendant pled guilty to count(s) 1,2,3,4,5,6 & 7 of the INFORMATION on 3/22/06. Accordingly, the court has adjudicated that the defendant is guilty of the following offense(s):

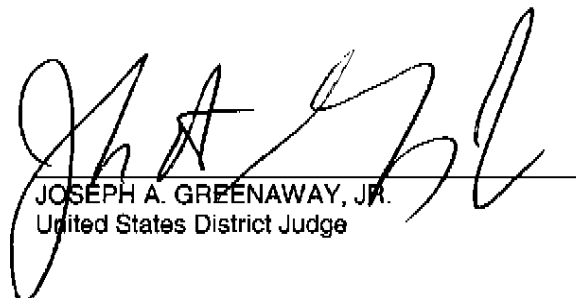
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date of Offense</u>	<u>Count Number(s)</u>
18:371	Conspiracy to violate the laws of the United States	7/02 through 11/9/05	1
33:1908(a) & 18:2 and 33:151.25	Failure to maintain an oil record book	9/21/02 through 11/9/05	2,3 & 4
18:1001(a)(2) & 2	Knowingly and wilfully making false statements and representations in a matter within the jurisdiction of the U.S. Coast Guard	7/2002 through 11/9/05	5 & 6
18:1001(a)(3) & 2	Knowingly and wilfully making false statements and representations in a matter within the jurisdiction of the U.S. Coast Guard	11/9/05	7

As pronounced on 8/3/06, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$2,800.00, for count(s) 1,2,3,4,5,6, & 7, which shall be due immediately. Said special assessment shall be made payable to the Clerk, U.S. District Court.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, 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 shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this the 16<sup>th</sup> day of October, 2006.

  
 JOSEPH A. GREENAWAY, JR.  
 United States District Judge

Defendant: WALLENIOUS SHIP MANAGEMENT  
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**PROBATION**

The defendant is hereby placed on probation for a term of 4 years on each count to run concurrently.

While on probation, the defendant shall comply with the standard conditions that have been adopted by this court (set forth below):

Based on information presented, the defendant is excused from the mandatory drug testing provision, however, may be requested to submit to drug testing during the period of probation if the probation officer determines a risk of substance abuse.

If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution and shall comply with the following special conditions:

The corporate defendant agrees to develop, adopt, implement and fund comprehensive Environmental Management Systems/Compliance Program ("EMS/CP") during its term of probation. A failure to fund the EMS/CP will constitute a violation of probation. The corporate defendant will tender an agreement by and between the corporate defendant and its parent corporations, Wallenius Marine, A.B. and Singapore Shipping Corporation, Ltd., which jointly own the corporate defendant, resolve to guarantee, jointly and severally, all necessary funds to fully comply with the terms of the Environmental Compliance Program.

The corporate defendant shall make a Community Service Payment of \$1,500,000.00 to the National Fish and Wildlife Foundation. The payment of \$1,500,000.00 to the NFWF shall be earmarked for the protection, scientific study, and restoration of marine and aquatic resources in the District of New Jersey. The corporate defendant is not to seek any reduction in its tax obligations as a result of this community service payment, nor with the corporate defendant characterize, publicize, or refer to the community service payment as a voluntary donation or contribution.

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**STANDARD CONDITIONS OF PROBATION**

While the defendant is on probation pursuant to this Judgment:

- 1) The defendant shall not commit another federal, state, or local crime during the term of supervision.
- 2) The defendant shall not illegally possess a controlled substance.
- 3) If convicted of a felony offense, the defendant shall not possess a firearm or destructive device.
- 4) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 5) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 6) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 7) The defendant shall support his or her dependents and meet other family responsibilities.
- 8) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 9) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 10) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances.
- 11) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 12) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 13) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 14) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 15) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 16) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

*For Official Use Only - - - U.S. Probation Office*

Upon a finding of a violation of probation or supervised release, I understand that the Court may (1) revoke supervision or (2) extend the term of supervision and/or modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions, and have been provided a copy of them.

You shall carry out all rules, in addition to the above, as prescribed by the Chief U.S. Probation Officer, or any of his associate Probation Officers.

(Signed) \_\_\_\_\_ Date

Defendant

Date

\_\_\_\_\_  
U.S. Probation Officer/Designated Witness Date

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**FINE**

The defendant shall pay a fine of \$5,000,000.00. The entire fine amount is apportioned to the Counts of the Information charging violation of the Act of Prevention of Pollution From Ships (AAPS), specifically counts 2,3. This fine, plus any interest pursuant to 18 U.S.C. § 3612(f)(1), is due immediately and shall be paid in full by 8/7/06.

Pursuant to AAPS, the following shall each receive an award of \$625,000.00, which shall be paid in the following manner indicated.

1) Benjamin Bonecillo - Award money wired directly to Account No. 3106397553, Philippine National Bank, Baguio City Branch, Zip Code 2600.

2) The Estate of Romeo Fernandez - Award money to be wired to Account No. 10021973, Reed Smith LLP Escrow Account, National Penn Bank, Philadelphia, PA. ABA #031.308.784.

3) Cornelio Legayada - Award money to be wired to U.S. Dollar Account No. 012-2-01201781-7, Metro Bank & Trust Co., Delgado St., Iloilo City, Philippines.

4) Armando Valenzuela - Award money to be wired to Savings Account No. 123-123637-4, Serial No. 2598757, United Coconut Planters Bank, Aguerree Branch, Makati City, Philippines.

Each award is to be paid by the Clerk of the Court from the fine paid by the defendant. Upon receipt of the fine payment from the defendant, the Clerk of the Court shall wire the funds according to the instruction set forth above.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

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.