

CLOSED

**U.S. District Court
District of Hawaii (Hawaii)
CRIMINAL DOCKET FOR CASE #: 1:20-cr-00004-DKW-1**

Case title: USA v. Bernhard Schulte Shipmanagement
(Singapore) Pte Ltd.

Date Filed: 01/21/2020
Date Terminated: 02/12/2020

Assigned to: JUDGE DERRICK
K. WATSON

Defendant (1)

**Bernhard Schulte
Shipmanagement (Singapore)
Pte Ltd.**
TERMINATED: 02/12/2020

represented by **George M. Chalos**
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Pending Counts

33:1908.F ENFORCEMENT –
CRIMINAL PENALTIES, Failure
to maintain an accurate Oil Record
Book for the *Topaz Express*,
33:1908(a), 33 CFR 151.25
(1)

Disposition

SENTENCE: Imprisonment: None. Probation: 4
Years. Fine: \$1,750,000.00. Special Assessment:
\$400.00.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Plaintiff**USA**

represented by **Marc A. Wallenstein**
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 Attorney–Honolulu
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Date Filed	#	Docket Text
01/21/2020	<u>1</u>	INFORMATION as to Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. (1) count(s) 1. (emt,) (Entered: 01/21/2020)
01/21/2020	<u>3</u>	NOTICE OF RELATED CASE – by USA as to Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. Related cases: USA v. Samirajan, CR No. 19–00175 DKW and USA v. Reddy, CR No. 19–00177 DKW. (emt,) (Entered: 01/21/2020)
01/22/2020	<u>4</u>	ORDER REASSIGNING CASE as to Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. to JUDGE DERRICK K. WATSON – Signed by CHIEF JUDGE J. MICHAEL SEABRIGHT on 1/22/2020. JUDGE JILL A. OTAKE no longer assigned to the case. (emt,) (Entered: 01/22/2020)
01/22/2020	<u>5</u>	NOTICE OF CASE REASSIGNMENT: Please reflect new case number CR 20–00004 DKW on all further pleadings. (emt,) (Entered: 01/22/2020)
01/24/2020	<u>6</u>	EO: Waiver of Indictment; Arraignment and Plea of Guilty to the Information as to Defendant Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. is set for 2/10/2020 at 09:30 AM in Aha Kupono before JUDGE DERRICK K. WATSON. (JUDGE DERRICK K. WATSON)(tyk) (Entered: 01/24/2020)
01/27/2020	<u>8</u>	MOTION for Pro Hac Vice <i>re George M. Chalos</i> Filing fee \$ 300, receipt number 0975–2324265. by Bernhard Schulte Shipmanagement (Singapore) Pte Ltd.. (Krek, Nenad) (Entered: 01/27/2020)
02/03/2020	<u>9</u>	MOTION Unopposed Motion to Waive Presentence Investigation Report and for the Court to Conduct Sentencing at the Change of Plea Hearing by Bernhard Schulte Shipmanagement (Singapore) Pte Ltd.. (Attachments: # <u>1</u> Memorandum in Support of Motion, # <u>2</u> Declaration of George M. Chalos, # <u>3</u> Certificate of Compliance, # <u>4</u> Certificate of Service)(Krek, Nenad) (Entered: 02/03/2020)
02/06/2020	<u>10</u>	NOTICE of Submission of Power of Attorney issued by Bernhard Schulte Shipmanagement (Singapore) Pte Ltd., a Singapore company, dated January 31, 2020

		by Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Certificate of Service)(Krek, Nenad) (Entered: 02/06/2020)
02/06/2020	<u>11</u>	NOTICE of Submission of Unanimous Written Consent of the Board of Directors of Bernhard Schulte Shipmanagement (Singapore) Pte Ltd., a Singapore company, dated January 31, 2020 by Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Certificate of Service)(Krek, Nenad) (Entered: 02/06/2020)
02/07/2020	12	EO: as to Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. : The Court received <u>9</u> Defendant Bernhard Schulte Shipmanagement (Singapore) Pte Ltd's Unopposed Motion to Waive Presentence Investigation Report and For The Court To Conduct Sentencing At Change Of Plea Hearing. Defendant's Unopposed Motion <u>9</u> is GRANTED. Sentencing as to Defendant Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. is set for 2/10/2020 at 9:30 a.m. before Judge Derrick K. Watson. Motions terminated as to Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. : <u>9</u> MOTION Unopposed Motion to Waive Presentence Investigation Report and for the Court to Conduct Sentencing at the Change of Plea Hearing filed by Bernhard Schulte Shipmanagement (Singapore) Pte Ltd.. Sentencing is set for 2/10/2020 09:30 AM in Aha Kupono before JUDGE DERRICK K. WATSON. (JUDGE DERRICK K. WATSON) (emt,) (Entered: 02/07/2020)
02/10/2020	<u>14</u>	ORDER GRANTING MOTION TO APPEAR PRO HAC VICE AS TO GEORGE M. CHALOS re <u>8</u> as to Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. (1) – Signed by MAGISTRATE JUDGE ROM TRADER on 2/10/2020. (emt,) (Entered: 02/10/2020)
02/10/2020	<u>15</u>	Summons Returned Executed on 02/10/2020 as to Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. (jjt) (Entered: 02/10/2020)
02/10/2020	<u>16</u>	EP : Initial Appearance; Waiver of Indictment; Arraignment and Plea of Guilty to Count 1 of the Information as to Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. ("the Company") (1) Count 1 held on 2/10/2020. George M. Chalos, Esq. ("Representative"), authorized to represent the Company, present. Captain Raymond B. Peter present. Charges received. The Company waives public reading of the Information. George M. Chalos, on behalf of the Company, sworn, questioned by the Court. Waiver of Indictment, signatures verified, signed by the Court and filed. Court informs the Company of sentencing guidelines, possible departure from sentencing guidelines, possible penalties, supervised release, possible loss of civil rights, etc. Memorandum of Plea Agreement signatures verified and filed. Court conducted a colloquy with the Representative as to the Company's role described in Count 1 of the Information that makes it guilty. Plea of Guilty to Count 1 of the Information entered by the Company. Court accepts the Company's Plea of Guilty to Count 1 of the Information. On 2/7/2020, Court granted the Company's Unopposed Motion to waive Pre–Sentence Investigation Report. The Company, through its Representative, plead guilty to Count 1 of the Information on 2/10/2020, with a Plea Agreement. Court accepts the plea agreement. Allocution by the Representative. Court notes the aggravating and mitigating factors related to the Company's Sentencing. Recommendations by Counsel as to proposed sentence heard. Court's proposed sentence stated. No legal objections to the proposed sentence. Court imposes sentence.

		<p><u>Count(s) 1, SENTENCE:</u> Imprisonment: None. Probation: 4 Years. Fine: \$1,750,000.00. Special Assessment: \$400.00.</p> <p><u>The Company must abide by the following conditions:</u> 1. The fine of \$1,750,000.00 is due within 30 days of entry of the Court's Final Judgment. 2. During the term of Probation, the Company must implement and pay for the Environmental Compliance Plan described in the thirty-one (31) page Attachment A to the Plea Agreement. 3. The Company may seek from the Court early termination of Probation, and the Govt. agrees not to object to such a request that is made after at least thirty-six (36) months, absent good cause. 4. The Company must operate in compliance with the environmental laws of the United States and may not violate the International Convention for the Prevention of Pollution from Ships.</p> <p>The Company advised of its right to appeal within 14 days of entry of judgment.</p> <p>Arraignment as to Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. (1) Count 1 held on 2/10/2020. Plea entered by Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. (1) Count 1. Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. (1) Guilty Count 1. Sentencing held on 2/10/2020 for Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. (1).</p> <p>(Court Reporter Ann Matsumoto.) (JUDGE DERRICK K. WATSON) (emt,) (Entered: 02/10/2020)</p>
02/10/2020	<u>17</u>	<p>WAIVER OF AN INDICTMENT – by Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. (emt,) (Entered: 02/10/2020)</p>
02/10/2020	<u>18</u>	<p>MEMORANDUM OF PLEA AGREEMENT as to Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. (Attachments: # <u>1</u> Attachment A – Environmental Compliance Plan) (emt,) (Attachment 1 replaced on 2/18/2020) (emt,). (Entered: 02/10/2020)</p>
02/12/2020	<u>19</u>	<p>JUDGMENT as to Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. (1), Count(s) 1, SENTENCE: Imprisonment: None. Probation: 4 Years. Fine: \$1,750,000.00. Special Assessment: \$400.00. Signed by JUDGE DERRICK K. WATSON on 2/12/2020. (emt,) (Entered: 02/12/2020)</p>
02/12/2020	<u>20</u>	<p>STATEMENT OF REASONS as to Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. – Signed by JUDGE DERRICK K. WATSON on 2/12/2020. **Document Restricted** *</p> <hr/> <p>AUSA Marc A. Wallenstein, George M. Chalos, Esq. and Nenad Krek, Esq., counsel for Bernhard Schulte Shipmanagement Pte Ltd. and the U.S. Probation Office served electronically to the email addresses listed on the Notice of Electronic Filing (NEF). (emt,) (Entered: 02/12/2020)</p>
02/20/2020	<u>21</u>	<p>TRANSCRIPT of Proceedings A&P and SENTENCING as to Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. – held on February 10, 2020, before Judge Derrick K. Watson. Court Reporter/Transcriber–Ann Matsumoto, Telephone number–808 541–2061.Email Address– am@hid.uscourts.gov PP. 53, 90–Day Transcript Restriction: PACER access to filed transcripts is restricted for 90 days from the file date to permit redaction of personal identifiers. Citations to restricted transcripts in filed documents must be limited to those portions of the proceedings that are relevant and in need of judicial review. Attaching restricted transcripts, in their entirety, to filed documents should be limited to situations with specific need. Transcript may be viewed at the court public terminal or ordered through the Court Reporter before the deadline for Release of Transcript. Redaction Request due 3/12/2020. Redacted Transcript Deadline set for 3/23/2020. Release of Transcript</p>

		Restriction set for 5/20/2020. (Matsumoto, Ann) (Entered: 02/20/2020)
06/04/2020	<u>22</u>	SEALED MOTION for Award; Certificate of Service – by USA as to Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. (emt,) (Entered: 10/07/2020)
10/07/2020	23	EO: The Briefing Schedule for <u>22</u> Plaintiff United States of America's Sealed Motion is as follows: Any opposition memorandum is due by October 13, 2020; any reply is due by October 16, 2020. Thereafter, the Court intends to rule on Plaintiff's motion without a hearing. (JUDGE DERRICK K. WATSON)(tyk) (Entered: 10/07/2020)
10/13/2020	<u>24</u>	Document stricken pursuant to ECF No. 28 ORDER (1) GRANTING MOTION TO STRIKE, AND (2) GRANTING IN PART MOTION FOR AWARD -SEALED RESPONSE to United States of America's Motion For Award re: <u>22</u> – filed by Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G) (jo) Modified on 10/21/2020 (emt,). (Entered: 10/13/2020)
10/16/2020	<u>25</u>	NOTICE OF ATTORNEY APPEARANCE Stephen Da Ponte appearing for USA. (Da Ponte, Stephen) (Entered: 10/16/2020)
10/16/2020	<u>26</u>	Government's REPLY to <u>24</u> Defendant's Response to MOtion for Statutory Award and MOTION to Strike; Exhibit "A"; Certificate of Service – by USA as to Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. (SEALED) (emt,) (Additional attachment(s) added on 10/16/2020: # <u>1</u> Exhibit A, # <u>2</u> Certificate of Service) (emt,). (Entered: 10/16/2020)
10/20/2020	<u>27</u>	SEALED RESPONSE to <u>26</u> United States of America's MOTION to Strike – by Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. (emt,) (Entered: 10/20/2020)
10/21/2020	<u>28</u>	ORDER (1) GRANTING MOTION TO STRIKE, AND (2) GRANTING IN PART MOTION FOR AWARD re <u>22</u> , <u>26</u> as to Bernhard Schulte Shipmanagement (Singapore) Pte Ltd. (1) – Signed by JUDGE DERRICK K. WATSON on 10/21/2020. For the reasons set forth herein, the Court GRANTS the motion to strike, Dkt. No. 26 at 2–3, and instructs the Clerk to STRIKE Dkt. No. 24 in its entirety. The Court further GRANTS IN PART the motion for award, Dkt. No. 22, to the extent that Singh is awarded \$300,000. The government is ordered to promptly provide wiring instructions. Upon receipt of said wiring instructions, the Clerk is instructed to transfer the award of \$300,000 to the recipient and/or his designee. (emt,) (Entered: 10/21/2020)