

U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Eastern Division)
CRIMINAL DOCKET FOR CASE #: 4:20-cr-00090-FL-1

Case title: USA v. Pacific Carriers Limited
Other court case number: 20-CR-102 Eastern District of Louisiana

Date Filed: 10/07/2020
Date Terminated: 12/01/2020

Assigned to: District Judge Louise Wood Flanagan

Defendant (1)

Pacific Carriers Limited
TERMINATED: 12/01/2020

represented by **David M. Rody**
Sidley Austin LLP
787 Seventh Avenue
New York, NY 10019
212-839-5300
Fax: 212-839-5599
Email: drody@sidley.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Doreen M. Rachal
Sidley Austin LLP
60 State St., 36th Floor
Boston, MA 02109
617-223-0311
Fax: 617-223-0301
Email: drachal@sidley.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Patrick Melton Mincey
Cranfill Sumner & Hartzog LLP
5420 Wade Park Blvd, Suite 300
Raleigh, NC 27607
910-777-6017
Fax: 910-777-6107
Email: pmincey@cshlaw.com
ATTORNEY TO BE NOTICED
Designation: Retained

Zachary C. Bolitho
Cranfill Sumner & Hartzog LLP
5420 Wade Park Blvd, Suite 300
Raleigh, NC 27607
919-863-8811
Fax: 919-863-3433
Email: zbolitho@cshlaw.com
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

Failure to Maintain Accurate Oil Record Book
(1)

Disposition

Probation – 4 years on each of Counts 1 and , all such terms to run concurrently and concurrently with the probation imposed in 4:20-CR-87-1FL and 4:20-CR-98-1FL – Special Conditions

Failure to Maintain Accurate
Garbage Record Book
(2)

imposed – Special Assessment \$3,200.00 (due immediately) – Fine \$12,000,000.00 (interest waived)

Probation – 4 years on each of Counts 1 and , all such terms to run concurrently and concurrently with the probation imposed in 4:20–CR–87–1FL and 4:20–CR–98–1FL – Special Conditions imposed – Special Assessment \$3,200.00 (due immediately) – Fine \$12,000,000.00 (interest waived)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Banu Rangarajan**
United States Attorney's Office – EDNC
150 Fayetteville Street, Suite 2100
Raleigh, NC 27601
919–856–4530
Fax: 856–4487
Email: banu.rangarajan@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Kenneth Nelson

United States Department of Justice
Environment & Natural Resources
Division
Post Office Box 7611
601 D. Street, NW (Zip 20579)
Washington, DC 20044
202–305–0435
Fax: 202–514–8865
Email: kenneth.nelson3@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
10/07/2020	<u>1</u>	Consent to Transfer Jurisdiction (Rule 20) from Eastern District of Louisiana as to Pacific Carriers Limited. (Attachments: # <u>1</u> Criminal Information – EDLA, # <u>2</u> Docket Sheet – EDLA, # <u>3</u> Letter from US Attorney's Office in EDLA, # <u>4</u> Cover Letter, # <u>5</u> Envelope) (Lee, L.) (Entered: 10/09/2020)

10/07/2020	<u>2</u>	Partial Penalty Sheet (<i>Selected Participants Only</i>) as to Pacific Carriers Limited. (Lee, L.) (Entered: 10/09/2020)
10/13/2020	<u>3</u>	NOTICE OF ATTORNEY APPEARANCE Banu Rangarajan appearing for USA. (Rangarajan, Banu) (Entered: 10/13/2020)
10/14/2020	<u>4</u>	NOTICE OF ATTORNEY APPEARANCE Kenneth Nelson appearing for USA. (Nelson, Kenneth) (Entered: 10/14/2020)
10/16/2020	<u>5</u>	NOTICE OF SPECIAL APPEARANCE FOR NON-DISTRICT COUNSEL Filed by local counsel David M. Rody appearing for Pacific Carriers Limited (Rody, David) (Entered: 10/16/2020)
10/16/2020	<u>6</u>	NOTICE OF SPECIAL APPEARANCE FOR NON-DISTRICT COUNSEL Filed by local counsel Doreen M. Rachal appearing for Pacific Carriers Limited (Rachal, Doreen) (Entered: 10/16/2020)
10/19/2020		Notice of Deficiency – Failure to File Financial Disclosure Statement as to Pacific Carriers Limited. Pursuant to Fed. R. Crim. P. 12.4 and Local Criminal Rule 12.3, all corporate defendants must file a corporate affiliate/financial interest disclosure statement. A negative statement is required if a party has no disclosures to make. The disclosure statement must be on a form provided by the clerk. This form is available at the clerk's office and on the court's website. (Tripp, S.) (Entered: 10/19/2020)
10/19/2020		Set Hearing as to Pacific Carriers Limited: Plea to Criminal Information set for 12/15/2020 term of court before Magistrate Judge Robert B. Jones Jr. (Tripp, S.) (Entered: 10/19/2020)
10/19/2020	<u>7</u>	Notice of Attorney Appearance: Patrick Melton Mincey appearing for Pacific Carriers Limited . (Mincey, Patrick) (Entered: 10/19/2020)
10/19/2020	<u>8</u>	Notice of Attorney Appearance: Zachary C. Bolitho appearing for Pacific Carriers Limited . (Bolitho, Zachary) (Entered: 10/19/2020)
10/19/2020	<u>9</u>	Financial Disclosure Statement filed by Pacific Carriers Limited identifying Corporate Parent Kuok (Singapore) Limited for Pacific Carriers Limited. (Rachal, Doreen) (Entered: 10/19/2020)
11/13/2020		Set Hearing as to Pacific Carriers Limited: In Person Plea to Criminal Information set for 12/29/2020 at 9:00 AM in Wilmington Courtroom 100 before Magistrate Judge Robert B. Jones Jr. (Tripp, S.) (Entered: 11/13/2020)
11/16/2020	<u>11</u>	ORDER (Copy of order from 4:20-CR-87-1FL) granting 18 Amended Motion to Consolidate Plea and Sentencing and Waive Presentence Report as to Pacific Carriers Limited – Signed by District Judge Louise Wood Flanagan on 11/16/2020. (Tripp, S.) (Entered: 11/16/2020)
11/16/2020		Set Hearing as to Pacific Carriers Limited: Plea and Sentence set for 12/1/2020 at 1:30 PM in New Bern – Courtroom before District Judge Louise Wood Flanagan. (Tripp, S.) (Entered: 11/16/2020)
11/16/2020	<u>12</u>	ORDER – PROCEDURES AT THE UNITED STATES COURTHOUSE AT NEW BERN DURING THE COVID-19 PANDEMIC – Signed by District Judge Louise Wood Flanagan on 6/18/2020. (Tripp, S.) (Entered: 11/16/2020)
11/24/2020	<u>13</u>	SENTENCING MEMORANDUM by USA as to Pacific Carriers Limited (Nelson, Kenneth) (Entered: 11/24/2020)
11/24/2020	<u>14</u>	MOTION for Whistleblower Award filed by USA as to Pacific Carriers Limited. (Attachments: # <u>1</u> Text of Proposed Order) (Nelson, Kenneth) (Entered: 11/24/2020)
11/24/2020		Motion Submitted to District Judge Louise Wood Flanagan as to Pacific Carriers Limited regarding <u>14</u> MOTION for Whistleblower Award . (Tripp, S.) (Entered: 11/24/2020)
11/24/2020	<u>15</u>	SENTENCING MEMORANDUM by Pacific Carriers Limited (Rody, David) (Entered: 11/24/2020)
12/01/2020	<u>16</u>	CORPORATE RESOLUTION as to Pacific Carriers Limited. (Tripp, S.) (Entered: 12/01/2020)

12/01/2020	<u>17</u>	SEE 29 AMENDED ORDER ORDER granting 14 Motion for Whistleblower Award as to Pacific Carriers Limited – Signed by District Judge Louise Wood Flanagan on 12/1/2020. (Tripp, S.) Modified on 3/8/2021 (Tripp, S.). (Entered: 12/01/2020)
12/01/2020	<u>19</u>	Minute Entry for proceedings held before District Judge Louise Wood Flanagan:Plea and Sentence Hearing as to Pacific Carriers Limited held on 12/1/2020 – Counsel present for defendant – Assistant U.S. Attorney present for USA – Defendant advised of rights, charges and maximum penalties – Memorandum of Plea Agreement Filed – Defendant's Waiver of Indictment accepted by the court – Plea entered by Pacific Carriers Limited – Guilty as to Counts 1 and 2 – The court approves the Memorandum of Plea Agreement – Defendant sentenced to 4 years probation – Special Assessment \$3,200.00 (due immediately) – Fine \$12,000,000.00 (to be paid over the proposed schedule as outlined in the plea agreement) – The court will conduct a conference call with counsel within the next couple of weeks to address allocation of fine proceeds – Counsel to provide the clerk three days of availability for this case – Defendant advised of appeal of rights. (Court Reporter – Miriam Dutton, WordServices) (Tripp, S.) Modified on 12/17/2020, to add WordServices(Foell, S.). (Entered: 12/01/2020)
12/01/2020	<u>20</u>	Memorandum of Plea Agreement Accepted as to Pacific Carriers Limited (Attachments: # <u>1</u> Vessels covered by this agreement, # <u>2</u> Environmental Management System, # <u>3</u> Employee Training Program, # <u>4</u> Bilge, Sludge, Sewage & Hazardous Materials, # <u>5</u> Reports and Notifications to be Provided to the Court Appointed Monitor) (Tripp, S.) (Entered: 12/01/2020)
12/01/2020	<u>25</u>	JUDGMENT as to Pacific Carriers Limited – Probation – 4 years on each of Counts 1 and, all such terms to run concurrently and concurrently with the probation imposed in 4:20–CR–87–1FL and 4:20–CR–98–1FL – Special Conditions imposed – Special Assessment \$3,200.00 (due immediately) – Fine \$12,000,000.00 (interest waived). Signed by District Judge Louise Wood Flanagan on 12/1/2020. (Tripp, S.) (Entered: 12/22/2020)
12/14/2020		TEXT ORDER as to Pacific Carriers Limited – This matter is before the court following December 1, 2020, plea and sentence hearing. The parties are directed to confer and file not later than December 15, 2020, a joint report suggesting three alternative dates for conduct of administrative telephonic conference. Signed by District Judge Louise Wood Flanagan on 12/14/2020. (Castania, M) (Entered: 12/14/2020)
12/14/2020	<u>21</u>	RESPONSE TO ORDER by USA as to Pacific Carriers Limited (Nelson, Kenneth) (Entered: 12/14/2020)
12/17/2020		Set Hearing as to Pacific Carriers Limited: Telephonic Conference set for 12/21/2020 at 1:30 PM before District Judge Louise Wood Flanagan. <i>Counsel will receive the necessary dial in instructions via email in advance of the conference</i> (Tripp, S.) (Entered: 12/17/2020)
12/21/2020	<u>23</u>	Minute Entry for proceedings held before District Judge Louise Wood Flanagan in New Bern, NC:Telephonic Conference as to Pacific Carriers Limited held on 12/21/2020 – Counsel present for USA and defendant – Parties to submit proposed order. (Court Reporter –Tracy McGurk) (Tripp, S.) (Entered: 12/21/2020)
12/21/2020	<u>24</u>	ORDER FOR DISTRIBUTION OF FINE MONIES as to Pacific Carriers Limited – Signed by District Judge Louise Wood Flanagan on 12/21/2020. (Tripp, S.) (Entered: 12/21/2020)
12/22/2020	<u>26</u>	OFFICIAL TRANSCRIPT of Proceedings as to Pacific Carriers Limited held on 12/1/2020, Plea & Sentencing Hearing, before Judge Louise W. Flanagan. Court Reporter/ Miriam Dutton/WordServices, Telephone number 919–548–4914. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's website . Redaction Request due 1/15/2021. Redacted Transcript Deadline set for 1/25/2021. Release of Transcript Restriction set for 3/25/2021. (Foell, S.) (Entered: 12/22/2020)

12/22/2020		Notice of Filing of Official Transcript <u>26</u> Transcript. The parties have seven calendar days from the filing of the transcript to file a Notice of Intent to Request Redaction. The parties must also serve a copy on the court reporter or transcriber. After filing the Notice of Intent to Request Redaction, a party must submit to the court reporter or transcriber, within 21 calendar days of the filing of the transcript, a written statement indicating where the personal data identifiers to be redacted appear in the transcript. (Foell, S.) (Entered: 12/22/2020)
03/08/2021	<u>29</u>	AMENDED ORDER granting <u>14</u> Motion for Whistleblower Award as to Pacific Carriers Limited – Signed by District Judge Louise Wood Flanagan on 3/8/2021. (Copy emailed to USDC EDNC Financial Division) (Tripp, S.) (Entered: 03/08/2021)
03/25/2021		Terminate transcript deadlines as to Pacific Carriers Limited (Foell, S.) (Entered: 03/25/2021)
04/12/2021	<u>30</u>	SECOND AMENDED ORDER as to Pacific Carriers Limited regarding <u>14</u> MOTION for Whistleblower Award – Signed by District Judge Louise Wood Flanagan on 4/12/2021. (Copy emailed to USDC EDNC Financial Division) (Tripp, S.) (Entered: 04/12/2021)