

UNITED STATES DISTRICT COURT

Eastern

District of

North Carolina

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE
(For Organizational Defendants)

PACIFIC CARRIERS LIMITED

CASE NUMBER: 4:20-CR-90-1FL

David Rody, Doreen Rachal, Patrick Mincey
Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

- pleaded guilty to count(s) Counts 1 and 2
- 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:

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Offense Ended</u> | <u>Count</u> |
|----------------------------|---|----------------------|--------------|
| 33 U.S.C. 1908(a) | Failure to Maitain Accurate Oil Record Book | 10/1/2019 | 1 |
| 33 U.S.C. 1908(a) | Failure to Maitain Accurate Garbage Record Book | 10/1/2019 | 2 |
| | | | |

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 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. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's Singapore
Federal Employer I.D. No.: 197300034E

12/1/2020
Date of Imposition of Judgment

Defendant Organization's Principal Business Address:

Pacific Carriers Limited
No 1 Kim Seng Promenade
#07-02 Great World City
Singapore 237994


Signature of Judge

Louise W. Flanagan U.S. District Judge
Name of Judge Title of Judge

12/1/2020
Date

Defendant Organization's Mailing Address:

Pacific Carriers Limited
No 1 Kim Seng Promenade
#07-02 Great World City
Singapore 237994

DEFENDANT ORGANIZATION: PACIFIC CARRIERS LIMITED
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PROBATION

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

4 years as to each of Counts 1 and 2, all such terms to run concurrently and concurrently with the probation imposed in 4:20-CR-87-1FL and 4:20-CR-98-1FL

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 (if indicated below).

The defendant shall provide the probation office with access to any requested financial information.

The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation office.

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: PACIFIC CARRIERS LIMITED
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SPECIAL CONDITIONS OF SUPERVISION

The defendant shall not commit another federal, state, or local crime during the term of probation.

The defendant shall fully cooperate with the United States Probation Office. The defendant shall answer truthfully all inquiries by the probation officer; shall provide full access to any of the defendant's operating locations that are directly affiliated with the Covered Vessels, as that term is defined in the Environmental Compliance Plan (attached to the Memorandum of Plea Agreement), or that assist PCL in fulfilling its obligations under the Environmental Compliance Plan; shall give then days' prior notice of any intended change in principal business or mail address; and shall provide notice of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fines and other financial obligations set forth in the Memorandum of Plea Agreement.

The defendant is required to adopt, implement, and fund the comprehensive Environmental Compliance Plan during its term of probation, consistent with sentencing policies set forth in the USSG § 8D1.1.

All terms included in the Memorandum of Plea Agreement, accepted by this court on December 1, 2020.

DEFENDANT ORGANIZATION: PACIFIC CARRIERS LIMITED

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CRIMINAL MONETARY PENALTIES

The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Sheet 4.

| | | | |
|---------------|-------------------|------------------|--------------------|
| | <u>Assessment</u> | <u>Fine</u> | <u>Restitution</u> |
| TOTALS | \$ 3,200.00 | \$ 12,000,000.00 | \$ 0.00 |

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> |
|----------------------|--------------------|----------------------------|-------------------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| TOTALS | \$ <u>0.00</u> | \$ <u>0.00</u> | |

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.

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ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

Pursuant to the court's December 1, 2020 Order, \$1,000,000.00 is to be paid to Hong Guang Li from the fine proceeds in this case once the second fine payment is received, which is due thirty days after sentencing.

The criminal monetary penalties are combined in the judgments for case numbers 4:20-CR-87-1FL, 4:20-CR-90-1FL, and 4:20-CR-98-1FL.

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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 \$ 12,003,200.00 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:

The special assessment in the amount of \$3,200.00 is due in full immediately. The fine in the amount of \$12,000,000.00 is to be paid as follows pursuant to the installment schedule in the Memorandum of Plea Agreement: (1) Eastern District of North Carolina Violations - \$8,000,000.00; (2) Southern District of Texas Violations - \$2,000,000.00; and (3) Eastern District of Louisiana Violations - \$2,000,000.00.

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.