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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

FILED

MORISSET, SCHLOSSER, HOMER,  
JOZWIAK & McGAW  
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MAR 04 2003

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA  
By PO Deputy

TANADGUSIX CORPORATION )  
and )  
BERING SEA ECCOTECH, INC. )

No. A02-0032 CV (RRB)

Plaintiffs,

v.

~~ALTERNATIVE PROPOSED~~ ORDER

HUBER, et al.

Defendants.

IT IS ORDERED that plaintiffs' motion for approval of a monetary pledge in lieu of a supersedeas bond for a stay pending appeal as a matter of right is hereby DENIED.

IT IS ORDERED that plaintiffs' alternative motion for a stay pending appeal is GRANTED IN PART. Federal defendants shall not take back possession of the *Ex-Competent* pending appeal. During the pendency of the appeal, plaintiffs may continue to use the drydock at Marisco's shipyard, subject to the following conditions:

1. plaintiffs shall pay the fair rental value for the *Ex-Competent* from <sup>December 5,</sup> ~~March 21,~~ 2002, until the appeal is decided, into an interest-bearing escrow account;
2. plaintiffs shall bear the cost of establishing the escrow account;
3. plaintiffs shall not withdraw these funds except by order of the Court, and shall make such funds available to the United States if defendants substantially prevail on the merits on appeal; and
4. plaintiffs shall keep the *Ex-Competent* properly maintained, repaired and moored while the appeal is pending.

SO ORDERED.

Dated: March 5, 2003

  
THE HONORABLE RALPH R. BEISTLINE  
United States District Judge

A02-0032--CV (RRB)

H. VANDOR (AAG JUNBAU)  
B. RANDALL (AUSA)  
T. SCHLOSSER

MAILED ON 3/4/03

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