

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NAVINORD S.A.,

Plaintiff,

-against-

09 Civ. 3761 (LAK)

EASTBOURNE MARITIME LIMITED, et al.,

Defendants.  
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**ORDER**

LEWIS A. KAPLAN, *District Judge*.

On October 26, 2009, this Court ordered plaintiff to show cause, on or before November 10, 2009, why the process of maritime attachment previously issued in this action should not be vacated or modified and the action dismissed in light of *Shipping Corp. of India Ltd. v. Jaldhi Overseas Pte Ltd.*, No. 08-3477, 2009 WL 3319675 (2d Cir. Oct. 16, 2009).

On November 10, 2009, plaintiff opposed dismissal on the grounds that plaintiff and defendant Eastbourne Maritime Limited transferred the attached funds into an escrow account in London pursuant to their May 29, 2009 Escrow Agreement and thus placed them beyond the reach of *Jaldhi*. This Court agrees. Plaintiff nevertheless has failed to show cause why the process of maritime attachment should not now be vacated. In consequence, that process [DI 3] is hereby vacated.

SO ORDERED.

Dated: November 19, 2009



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Lewis A. Kaplan  
United States District Judge