

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 3RD day of November, two thousand and nine.

Before: Peter W. Hall,
Circuit Judge.



Oldendorff Carriers GmbH & Co. KG,

Plaintiff-Appellant,

v.

Barna Conshipping, S.L.,

Defendant-Appellee.

ORDER
Docket No. 09-4523-cv

Upon consideration of Appellant's motion of October 30, 2009, seeking a stay of the District Court's orders of October 20, October 27 and October 28, 2009, and the Appellee's opposition thereto, the motion for a stay is DENIED. It is clear from this Court's decision in The Shipping Corporation of India Ltd. V. Jaldhi Overseas Pte. Ltd., Nos. 08-3477, 08-3758 (2d Cir., Oct. 16, 2009), that Appellant may no longer maintain a Rule B attachment against Electronic Fund Transfers. That being the case, as defined by our current jurisprudence, the likelihood of success with respect to any argument by Appellant aimed at persuading us or the District Court otherwise would be nil. As for Appellant's opportunity to proceed before the District Court to obtain another Rule B attachment on different property belonging to the Appellee in the Southern District of New York, the District Court's order of October 20, 2009, and in particular the proviso that is contained in the fourth paragraph of that order of October 20, 2009, as it has been subsequently modified by the District Court's order of October 27, 2009, permits the Appellant a total of 21 days (from October 20, 2009, (to wit, until November 10, 2009 [noon]) in which to "apply . . . by letter showing good cause why this action should be restored to the calendar."

FOR THE COURT,
Catherine O'Hagan Wolfe,
Clerk

By: Judy Pismanoff
Judy Pismanoff, Motions Staff Attorney