

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-3538
Summary Calendar

IN RE: IN THE MATTER OF THE COMPLAINT OF PORTAL ENERGY CORPORATION, AS OWNER OF AND PETROL MARINE CORPORATION, AS OWNER PRO HAC VICE AND BAREBOAT CHARTERER, OF THE M/V ORYX PRAYING FOR EXONERATION FROM AND/OR LIMITATION OF LIABILITY:

PORTAL ENERGY CORPORATION, as Owner of the M/V ORYX and PETROL MARINE CORPORATION, as Owner pro hac vice and bareboat charterer of the M/V ORYX,

Petitioners-Appellants,

versus

BARRY WATTS,

Claimant-Appellee.

Appeal from the United States District Court for
the Eastern District of Louisiana
(CA 93-1146 "A"(5))

(April 6, 1994)

Before REAVLEY, HIGGINBOTHAM and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

The owner and charterer of the M/V ORYX filed this action for exoneration and, in the alternative, limitation of liability pursuant to 46 U.S.C. App. § 181 et seq. after notification of

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

alleged injury to Barry Watts aboard the vessel. Watts then sought to proceed with suit in state court by stipulating that all limitation of liability issues, including value of the vessel, could be determined only in this federal action, that no judgment would be sought in state court on the issues in this limitation proceeding, and that the owner and charterer would enjoy priority over Watts to the proceeds of insurance to the extent of their limitation.

By inadvertence paragraph 3 of the stipulation names only the ship owner and omits the charterer. Watts concedes in this court that paragraph 3 protects both owner and charterer.

Because the stipulations afford the owner and charterer the full protection of the limitation law and meet the requirements stated by this court in Magnolia Marine Transport v. La Place Towing Corp., 964 F.2d 1571 (5th Cir. 1992), the order of the district court lifting the stay and restraining order is affirmed.

AFFIRMED.