

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

DONJON-SMIT, LLC

VS.

**ADMIRAL KARL L. SCHULTZ, CAPTAIN
JOHN W. REED, COMMANDER NORM C.
WITT, and COMMANDER MATTHEW J.
BAER, IN THEIR OFFICIAL CAPACITY
AS OFFICERS OF THE UNITED STATES
COAST GUARD**

NO. 2:20-CV-00011 LGW-BWC

**PLAINTIFF DONJON-SMIT, LLC'S VERIFIED RESPONSE TO UNITED STATES'
OPPOSITION TO PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING
ORDER**

Plaintiff Donjon-SMIT, LLC (“Donjon-SMIT”) files this Verified¹ Response to the United States’ Opposition to Plaintiff’s Motion for Temporary Restraining Order against Defendants Admiral Karl L. Schultz, Captain John W. Reed, Commander Norm C. Witt, and Commander Matthew J. Baer (collectively, the “Defendants”) in their official capacity as officers of the United States Coast Guard (“Coast Guard”), and in support thereof state as follows:

INTRODUCTION

1. On February 13, 2020, Donjon-SMIT filed a Verified Application for Injunctive Relief and Brief in Support thereof (the “Motion”) requesting that this Court enter a temporary restraining order revoking Defendants’ approval of GL NV24 Shipping Inc.’s (“Owner”) Non-Tank Vessel Response Plan (“NTVRP”) deviation request. In response, Defendants argue that

¹ The Declaration of Timothy P. Williamson, the General Manager of Donjon-SMIT, is attached hereto as **Exhibit 1**.

Donjon-SMIT unreasonably delayed in filing its Motion because Donjon-SMIT has known about Defendants' approval since late December. However, the timing of Donjon-SMIT's filing is reasonable given Donjon's SMIT's repeated attempts to meet with Defendants, resolve this matter, or at the very least learn why Defendants approved Owner's deviation request. Defendants also argue that Donjon-SMIT did not provide notice of its Motion as required under Federal Rule of Civil Procedure 65(b)(1), which states the requirements for issuing a temporary restraining order without notice to the adverse party. But the notice requirements of Rule 65(b)(1) do not apply because Donjon-SMIT is not and has never requested that this Court enter a restraining order without notifying Defendants.

ARGUMENT AND AUTHORITIES

A. Donjon-SMIT did not unreasonably delay in filing its Motion.

2. Donjon-SMIT delayed filing its Motion only until it became clear that the harm was imminent and the matter could not be resolved without court intervention. A party's reasonable delay in filing for injunctive relief caused by its efforts to investigate or resolve the matter does not prejudice whether relief should be granted. *See Georgia by & through Georgia Vocational Rehab. Agency v. United States by & through Shanahan*, 398 F. Supp. 3d 1330, 1347 (S.D. Ga. 2019) (granting preliminary injunction and stating that the plaintiff's two-and-a-half month delay in filing was "a reasonable time for [the plaintiffs] to consider their options . . . and decide to prepare for and pursue injunctive relief while their arbitration was pending."); *Cybermedia, Inc. v. Symantec Corp.*, 19 F.Supp.2d 1070, 1078 (N.D.Cal.1998) ("[A] reasonable delay caused by a plaintiff's good faith efforts to investigate an infringement claim will not rebut the presumption [of irreparable harm] in a copyright infringement case."); *Fid. Brokerage Servs. LLC v. McNamara*, No. 11 CV 1092 MMA RBB, 2011 WL 2117546, at *5 (S.D. Cal. May 27, 2011) (granting a

temporary restraining order preventing the defendants from misappropriating trade secrets despite the plaintiff's three-month delay in seeking injunctive relief because, during that time, the plaintiffs were endeavoring to informally resolve its concerns with defendants); *Steinway & Sons v. Demars & Friends*, No 80-04404, 1981 U.S. Dist. LEXIS 15169, at *39 (C.D.Cal. Jan. 28, 1981) ("Plaintiff cannot be charged with delay attributable to efforts, such as those here, to resolve the dispute without the court's intervention.").

3. Here, Donjon-SMIT filed its Motion soon after its repeated requests to meet with Defendants and resolve this matter, and for any information regarding why Owner's deviation request was approved:

- a. November 15, 2019: Donjon-SMIT requests an in-person meeting with Coast Guard Rear Admiral Douglas M. Fears, the Assistant Commandant for Response Policy, regarding the GOLDEN RAY plan.²
- b. November 19, 2019: Conference call with Rear Admiral Fears regarding the GOLDEN RAY plan.
- c. November 20, 2019: Donjon-SMIT sends an email following up with Rear Admiral Fears and requesting another in-person meeting.³
- d. December 21, 2019: Commander Witt approves Owner's NTVRP deviation request, allowing Owner to replace Donjon-SMIT with T&T Salvage as the salvage and marine firefighter ("SMFF") provider for the GOLDEN RAY.
- e. December 22, 2019: Donjon-SMIT emails Commander Witt to explain its concerns about T&T's plan and request a meeting to discuss why he approved Owner's deviation request.⁴

² A true and correct copy of Donjon-SMIT's November 15, 2019 email requesting a meeting with Rear Admiral Fears is attached hereto as **Exhibit 2**.

³ A true and correct copy of Donjon-SMIT's November 20, 2019 email to Rear Admiral Fears is hereto attached as **Exhibit 3**.

⁴ A true and correct copy of Donjon-SMIT's December 22, 2019 email to Commander Witt is hereto attached as **Exhibit 4**.

- f. December 23, 2019: Commander Witt informs Donjon-SMIT that he has approved Owner's deviation request and will 'defer' to Owner regarding Donjon-SMIT's request for a meeting.⁵ Donjon-SMIT then requests another meeting with Rear Admiral Fears regarding the deviation approval.⁶
- g. December 24, 2019: Commander Witt sends letter to Donjon-SMIT stating that he approved deviation and opining that a meeting would be fruitless unless Owner also attended. Donjon-SMIT emails the U.S. Navy Supervisor of Salvage and Diving requesting their opinion on the deviation approval.⁷
- h. December 26, 2019: Donjon-SMIT files a Freedom of Information Act request with Coast Guard for information regarding Commander Witt's deviation approval.⁸
- i. January 7, 2020: Rear Admiral Fears responds to Donjon-SMIT's multiple meeting requests, asks Donjon-SMIT to set up conference call.⁹ Donjon-SMIT also learns that T&T wreck removal, the entity that replaced Donjon-SMIT as the SMFF provider, had not yet reached an agreement with Owner.
- j. January 13, 2020: Donjon-SMIT files a second Freedom of Information Act request with Coast Guard for information regarding Commander Witt's deviation approval.¹⁰
- k. January 14, 2020: Donjon-SMIT emails Rear Admiral Fears again requesting a meeting.¹¹
- l. January 17-24 2020: Donjon-SMIT continues to attempt to schedule an in-person meeting with Rear Admiral Fears, to no avail.¹²
- m. February 3, 2020: T&T finally signs contract with Owner's insurers to become the new SMFF provider.

⁵ A true and correct copy of Commander Witt's December 23, 2019 email to Donjon-SMIT is hereto attached as **Exhibit 5**.

⁶ A true and correct copy of Donjon-SMIT's December 23, 2019 email to Rear Admiral Fears is hereto attached as **Exhibit 6**.

⁷ A true and correct copy of Commander Witt's December 24, 2019 letter to Donjon-SMIT is hereto attached as **Exhibit 7**.

⁸ A true and correct copy of Donjon-SMIT's December 26, 2019 FOIA request is attached hereto as **Exhibit 8**.

⁹ A true and correct copy of Rear Admiral Fears' January 7, 2020 email to Donjon-SMIT is hereto attached as **Exhibit 9**.

¹⁰ A true and correct copy of Donjon-SMIT's January 13, 2020 FOIA request is attached hereto as **Exhibit 10**.

¹¹ A true and correct copy of Donjon-SMIT's January 14, 2020 email to Rear Admiral Fears is hereto attached as **Exhibit 11**.

¹² A true and correct copy of Donjon-SMIT's January 17-24, 2020 email chain with Commander Christopher Douglas regarding a meeting with Rear Admiral Fears is hereto attached as **Exhibit 12**.

- n. February 6, 2020: Coast Guard issues press release stating that construction of T&T's "environmental protection barrier[,]" the first phase of its wreck removal plan, will begin "in approximately two weeks."¹³
- o. February 13, 2020: Plaintiff files its Verified Complaint and Motion requesting a temporary restraining order.

4. Until T&T reached an agreement with Owner's insurer and the Coast Guard announced that construction would soon begin, and therefore harm was imminent, Donjon-SMIT was hopeful that this matter could be resolved or, at the very least, the Coast Guard officials would grant Donjon-SMIT's meeting request and would openly discuss why the deviation request was approved. In no way did Donjon-SMIT sit on its rights and wait until the eleventh hour to file its Motion. To the contrary, Donjon-SMIT held off on filing its Motion only so that it could diligently attempt to reach an amicable solution with Owner and Defendants. Therefore, Defendants' claim that Donjon-SMIT unreasonably delayed in filing its Motion is unfounded.

B. Donjon-SMIT did not violate Rule 65(b)(1) because it did not request an ex parte temporary restraining order and instead notified Defendants of its Motion.

5. Defendants also contend that Donjon-SMIT did not adhere to the notice requirements of Federal Rule of Civil Procedure 65(b)(1). However, Rule 65(b)(1) only applies when a party requests a temporary injunction without notice to the adverse party:

(b) Temporary Restraining Order.

(1) ***Issuing Without Notice.*** The court may issue a temporary restraining order ***without written or oral notice to the adverse party or its attorney*** only if:

(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and

(B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

¹³ A true and correct copy of the Coast Guard's February 6, 2020 press release is attached as **Exhibit 13**.

Fed. R. Civ. P. 65(b) (emphasis added); *see also Moody v. Metal Supermarket Franchising Am., Inc.*, No. C 13-5098 PJH, 2013 WL 5979508, at *1 (N.D. Cal. Nov. 8, 2013) (stating that the notice requirements of Rule 65(b)(1) “do not apply” when a plaintiff “is not requiring that [a] temporary restraining order be issued without notice[.]”); *Monga v. Nat'l Endowment for Arts*, 323 F. Supp. 3d 75, 83 (D. Me. 2018) (holding that Rule 65(b)(1) did not apply because the plaintiffs did give the defendants written notice and the defendants participated in the TRO hearing).

6. Donjon-SMIT is not and has never requested that this Court enter an ex parte temporary restraining order against Defendants. Instead, Donjon-SMIT immediately e-mailed Defendants a copy of its Motion upon filing. Given the importance and significance of this matter and considering that its causes of action arose in part due to Defendants' lack of transparency and accountability, Donjon-SMIT did not believe it would be appropriate to request ex parte injunctive relief. Accordingly, Rule 65(b)(1) does not apply.

Respectfully submitted,

**TAYLOR, ODACHOWSKI, SCHMIDT &
CROSSLAND, LLC**

/s/ Joseph R. Odachowski

Joseph Odachowski

Georgia State Bar No. 549470

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ATTORNEYS FOR PLAINTIFF

DONJON-SMIT, LLC

CERTIFICATE OF SERVICE

This hereby certifies that on this day, I electronically filed the *Plaintiff Donjon-Smit, LLC's Verified Response to United States' Opposition to Plaintiff's Motion for Temporary Restraining Order* with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

Martha C. Mann, Esq.
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Martha.mann@usdoj.gov
Sydney.menees@usdoj.gov

Bradford C. Patrick, Esq
ASSISTANT UNITED STATES ATTORNEY
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Savannah, Georgia 31412
Bradford.patrick@usdoj.gov

Attorneys for Defendants

This 21st day of February 2020.

**TAYLOR, ODACHOWSKI, SCHMIDT &
CROSSLAND, LLC**

/s/ Joseph R. Odachowski
Joseph Odachowski
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/s/ Garney Griggs

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**ATTORNEYS FOR PLAINTIFF
DONJON-SMIT, LLC**

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

DONJON-SMIT, LLC

VS.

**ADMIRAL KARL L. SCHULTZ, CAPTAIN
JOHN W. REED, COMMANDER NORM C.
WITT, and COMMANDER MATTHEW J.
BAER**

NO. 2:20-CV-00011 LGW-BWC

**DECLARATION OF
TIMOTHY P. WILLIAMSON**

1. My name is Timothy P. Williamson. I am over the age of 21, am of sound mind, have never been convicted of a felony or crime involving moral turpitude, and am fully competent in all respects to make this Declaration.
2. I am the General Manager for Donjon-SMIT, LLC. I am fully authorized by Donjon-SMIT, LLC to make this Declaration. I have read Plaintiff Donjon-SMIT, LLC's Verified Response to United States' Opposition to Plaintiff's Motion for Temporary Restraining Order. The facts stated these two documents are within my personal knowledge and are true and correct.
3. I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 21, 2020.

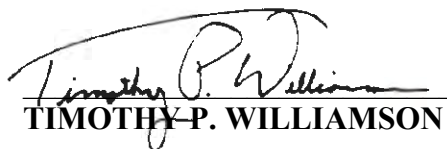

TIMOTHY P. WILLIAMSON

EXHIBIT 2

Date: Friday, Nov 15, 2019, 4:05 PM

To: Fears, Douglas M RDML <Douglas.M.Fears@uscg.mil>

Cc: 'Tim Williamson' <twilliamson@donjon-smit.com>

Subject: [Non-DoD Source] Request For Appointment - GOLDEN RAY

Dear RDML Fears:

First, it was a pleasure to meet you this morning during the Joint Partnership Meeting.

That said, I greatly appreciate your willingness to grant a brief appointment on Monday, November 18th when we can discuss commercial (insurance) impediments that are affecting and, as a result, impacting and significantly delaying removal operations and, in turn, environmental protection operations in connection with the GOLDEN RAY. Commercial impediments that are, in my opinion, in contravention to the letter and intent of the OPA-90 Salvage and Marine Firefighting (SMFF) regulations.

I now believe that Tim Williamson, General Manager of Donjon-SMIT will also be able to attend Monday's meeting. Tim has been on scene and leading salvage response operations at Brunswick, GA from the day of the casualty.

Tim and I are available to meet with you at anytime Monday that is most convenient for you.

Thank you for your consideration.

Best regards,

Dick

Richard E. Fredricks

Marketing and Sales Manager

Donjon-SMIT, LLC

15402 Vantage Parkway East, Suite 316

Houston, Texas 77032 USA

Tel: 1-703-299-0081

Fax: 1-703-299-0085

Mobile: 1-410-507-0480

www.donjon-smit.com

EXHIBIT 3

Best regards,

Dick

Sent from my iPhone

Richard E. Fredricks

Donjon-SMIT, LLC

Mobile: 1-410-507-0480

On Nov 20, 2019, at 8:22 PM, Fears, Douglas M RDML <Douglas.M.Fears@uscg.mil> wrote:

Dick,

Thank you for your note. Adding Dana, Ricardo and Chris. It is not yet clear if I have the bandwidth to meet next week, but I appreciate you flagging your concerns. We'll look into them.

Best,

Doug

From: Richard Fredricks <rfredricks@donjon-smit.com>

Sent: Wednesday, November 20, 2019 6:49 PM

To: douglas.m.fears@uscg.mil

Cc: 'Tim Williamson' <twilliamson@donjon-smit.com>

Subject: GOLDEN RAY - Thank you and update

Doug:

Thank you for your time and consideration when we spoke on the telephone yesterday afternoon. Please know that we appreciate your looking into this important matter.

That said, we were advised of another development in this case last night; P&I underwriters consultant's possible interest to circumvent the Jones Act and U.S. Coast Guard's (Sector's) apparent acceptance of same. As a result, we have had to take action to protect our position as the named salvor in the GOLDEN RAY's vessel response plan (VRP). We have retained the consulting services of Frank LoBiondo and LoBo Strategies LLC to assist us. Please see: www.lobostrategiesllc.com

I look forward to meeting with you next week. In the meantime, we will keep you closely informed of developments.

Best regards,

Dick

Richard E. Fredricks

Marketing and Sales Manager

EXHIBIT 4

Commanding Officer

Marine Safety Unit Savannah

(912) 652-4353

From: Paul Hankins <paul.hankins@donjon.com>
Sent: Sunday, December 22, 2019 5:38 PM
To: Reed, John W CAPT <John.W.Reed@uscg.mil>; Witt, Norm C CDR <Norm.C.Witt@uscg.mil>
Cc: John A. Witte <john.witte@donjon.com>; twilliamson@donjon-smit.com; Richard Janssen <r.janssen@smit.com>;
Martin, Douglas <d.martin@smit.com>
Subject: [Non-DoD Source] Donjon-SMIT Meeting Request

Dear CAPT Reed/CDR Witt

As Donjon's Vice President for Salvage Operations and project manager for Golden Ray, I'm compelled to go on the record with my deep concerns of what has transpired over the last few weeks, prior to your decision to deviate from the VRP. We all know once approved it will be far more difficult for the U.S. Coast Guard FOSC to undo a deviation granted to the North of England P&I Club to engage T&T.

In hopes of providing Donjon-SMIT's perspective, I respectfully request a meeting with you to discuss the below.

As a prelude to this, Donjon-SMIT is frankly mystified by the continuing willingness of the UC to accept at face value the representations provided by the Club in regards to the salvage planning effort. The Club has been proven to be misstating facts, misstating our position, and misstating the risks and timelines associated with the removal. Why then are we on the precipice of a deviation approval without ever having sought a salvor meeting on our plan or our position on the removal of Golden Ray? In that regard, the following items highlight some of the concerns and the hypocrisy of what we have been going through the last several weeks.

- **Lack of UC Discussions with named SMFF provider.** We recently learned that T&T was afforded a meeting directly with the QI and your staff. That seems highly irregular, as we have never been asked to present our plan directly to that group. From our perspective, our position has always been required to be viewed through the prism of a clearly prejudiced Club. As you know our original plan was withheld from the UC for weeks by the Club and their consultants. But even after it's existence was made known, to date the UC has not had the time to meet once, NOT ONCE, to discuss this plan with the SMFF provider of record. Contrast that with this T&T plan, developed without on-scene real-time information. It was submitted to the Club and within two days! the UC was meeting one on one with that salvor. We should at least be told why we are being treated so differently. The fact that the SMFF provider can't get 30 minutes in front of our own Unified Command in deference to English underwriters and Dutch consultants with zero assets or responsibility (and no formal role in the UC) is an extreme disappointment. Donjon-SMIT was never allowed to present the plan to the UC and/or given an opportunity to address any questions they might have. It was all done through a Club with no formal position in that UC. The Club's consultant has become the defacto salvor.

- **Rationale for Deviation.** To our knowledge, Donjon-SMIT has met every aspect of our regulatory requirements, including saving 4 souls trapped in the wreck, removing the bulk oils, and preparing a thorough well engineered wreck removal plan. Nothing has been told to us indicating disappointment in our performance, beyond the Clubs insistence our plan "doesn't give them what the want", without a definition of what that exactly is.

- **Risk/Benefits.** The UC is poised to approve a plan that is significantly more risky, moves the completion date just a month earlier under a very questionable schedule, and costs nearly double what the SMFF provider's plan would cost.
 - **Cost Risk.** Of course cost is no longer a concern to the Club as they approach their Limits of Liability. The QI informed us to be extra mindful of costs as these limits are approached yet here we are on the precipice of a \$200M effort all because of a dubious claim that a month can be shaved off the schedule. Meanwhile the American taxpayers, not the Club, will be footing the expense,

 - **Methodology Risk.**
 - **SMFF Plan vs. Other Bidders.** Apparently the UC is going to allow a plan/method that has failed the previous two times when tried on similar casualties, approved without the benefit of reviewing and comparing to the SMFF plan with the experts. Why are we treating the Donjon-SMIT plan as a pariah, some worst case plan to be considered apparently only if no other plan can be approved? T&T salvors were allowed to present their plan, why not seek the SMFF-of-record's perspective?

 - **Ultra-heavy removal.** The T&T plan calls for the GOLDEN RAY to be cut by chain-sawing into a few (8?) ultra large sections. Notwithstanding the peril that cutting places on the structural integrity of the remaining wreck, we know the State has concerns with wire/chain cutting methodology. That is just one reason we chose not to go that route. But to learn that we might have been more successful discounting UC risk concerns is troubling. The discussion on why ultra large sections will not work was addressed in Donjon-SMIT's plan beginning on page 42. Pictures of the Baltic Ace and the Tricolor were included, both smaller vessels than the Golden Ray. Both efforts failed insofar as keeping pollutants out of the water and removing the wrecks in planned sections. The ONLY car carrier (of 3 recent similar casualties) successfully removed without spilling cargo used our proposed methodology. No explanation has been given as to why large section cuts would possibly work the third time it's tried, this time in the middle of St. Simon's Sound. Donjon-SMIT fully expects the wreck and her sections to break up and spill her cargo should this method be

attempted again, just as in previous cases. Even if the sections are landed onto a barge, they will be subject to collapse, as occurred for the ultra large sections lifted onto barges in the cases of the Baltic Ace and Tricolor - allowing cars from within and wreck sections to fall from the barge during transport.

▪ **Unfamiliarity with Wreck.** The T&T plan made sweeping inaccurate generalizations on wreck condition. These generalizations give them cover in the event the plan fails. One of the reasons we chose not to team with T&T is they represented to us that they are planning for failure, which is why T&T costs are more than double the cost of Donjon-SMIT's plan. Obviously, a repeat of the structural failures experienced by the Baltic Ace or the Tricolor in St. Simon's Sound would be a catastrophe, especially when it's a known likely outcome of the method resulting in uncontrolled release of cars into St Simon's Sound and pollutants.

• **Unchallenged Misrepresentations by the Club.** Throughout this process, our position and our plans have been misrepresented by the Club. We have been unsuccessful in getting the Unified Command to care about those misrepresentations. Some of the many misrepresentations include:

1. DJS's plan would push into 2021. **UNTRUE**
2. The Club was waiting for the plan to be developed by Donjon-SMIT. **UNTRUE**
3. Donjon-Smit did not provide the Club with a plan that could be discussed and amended if a clear logical methodology preference existed and communicated . **UNTRUE**
4. Donjon-SMIT was unwilling to negotiate. **UNTRUE**
5. After the Admin Order revision, Donjon-SMIT was unwilling to negotiate to correct the deviation. **UNTRUE**
6. During the ITT plan review, Donjon-SMIT was unable to justify our removal rates (resulting in a 76 day schedule penalty). **UNTRUE** (in fact we provided extensive detail and our own risk software provided a much more industry-relevant 18 day risk premium)
7. Donjon's ITT plan would push removal completion into October. **UNTRUE**
8. Donjon pulled out of a T&T 'deal' after agreeing to proceed. **UNTRUE**

• **Donjon's teaming with T&T.** The North of England P&I Club suggested, for its own reasons, that Donjon-SMIT consider 'cooperating' with T&T Salvage and enter a joint venture to remove the GOLDEN RAY in accordance with a plan developed by T&T. We agreed to listen to the proposal. However, upon finding that the T&T plan calls for cutting the GOLDEN RAY into ultra large sections, and finding they agreed there was a huge risk to the lifts, and lack of adequate planning to include a cofferdam, Donjon-SMIT quickly ended any consideration of partnering. We essentially were told the plan would likely fail but there was plenty of money to come back in "to do it our way" if it did fail. That was unacceptable to us. Donjon-SMIT and its parent companies are more concerned with their reputations than the immediate financial gain that might come from participating in a flawed plan. We were told No Plan is Perfect. In this case the plan is heavily flawed with fatal simplifications from the onset that knowingly will be revised once actual situation is taken into consideration.

Our concern regarding this case reaches beyond just the current work at hand for this specific incident.

- **"Wreck Removal Falls Outside the VRP"** We have heard that we are going into a project stage which therefore somehow justifies the Club's desire to switch contractors. In fact, the OPA 90 Salvage and Marine Firefighting (SMFF) regulations do not separate SMFF response by phases. There is no distinction between an emergency response phase and a later salvage or removal phase. The key factor, to our knowledge, is whether or not a significant pollution threat exists. The very existence of the UC belies the claim that the 'event' has somehow passed. And for now anyway Donjon-SMIT remains the named SMFF contractor in the GOLDEN RAY's Vessel Response Plan.
- **Precedent to Break OPA-90 SMFF Role.** As the former General Manager for Donjon-SMIT, I know first-hand the time and millions of dollars we spent putting our capability together. The only return we get on that investment is responding to these incidents, This deviation action puts the very reason for the venture's existence at risk - that is meeting the OPA-90 Salvage and Marine Firefighting regulations. If it's the USCG's position that the P&I Club is the one with ultimate responsibility for this case and therefore they can do whatever they wish to do and contract with whomever they please after the fact, that litmus test has no bounds. The Club knows this, and I presume setting this precedent is the precise reason for their actions. We might as well take the extra step for them and strike the SMFF regulations, the main cornerstone of which is pre-contracting and working in a Unified Command setting.
- **Responsibilities.** It has been suggested that the North of England P&I Club/Global Salvage Consultants are the controlling party in this matter. We do not agree with this. In fact, it is the U.S. Coast Guard that is responsible for maritime safety and environmental protection. It is the U.S. Coast Guard that is responsible for enforcement of its regulations. It is the U.S. Coast Guard that is responsible for approving contractor selection not a foreign insurance interest and its consultants. If the U.S. Coast Guard does not enforce its regulations in this case when will it?

While this is a lengthy email, I believe its content vital to your decision to grant any deviation. We simply want to know why the UC turns a blind eye to the regulations while allowing the Club to dictate UC actions. Why is the dedicated SMFF provider, with the successes to date, being kicked off the job? In fact, OPA 90 states limits of liability are not applicable if the Responsible Party fails to provide all reasonable cooperation and assistance requested by the responsible government official in connection with removal activities, or without sufficient cause, fails to comply with a proper order issued by a responsible federal official. It seems that given the above, the UC is closer to this scenario than the UC's apparant willingness to declare the SMFF provider so incompetent as to approve a deviation.

Why is the Club being rewarded with a precedent setting deviation, while Donjon-SMIT is being shuttled out, forever branded with "unwilling to cooperate" across our reputation, all in pursuit of a perverted agenda generated entirely by the Club.

Thanks for your time and I look forward to an opportunity to speak with you directly tomorrow.

Best regards,

Paul Hankins

--

Paul Hankins

VP, Salvage Operations

+1-908-477-0930

www.donjon.com

This email message and any attachments are confidential and may be privileged. If you are not the intended recipient, please notify us immediately by reply email and destroy all copies of this message and any attachments. Please do not copy, forward, or disclose the contents to any other person. Thank you.

--

Timothy P. Williamson

General Manager

Donjon-SMIT LLC

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Houston, Texas 77032

Tel: +1 703 299 0081

www.donjon-smit.com

EXHIBIT 5

From: Witt, Norm C CDR <Norm.C.Witt@uscg.mil>

Sent: Monday, December 23, 2019 1:23 PM

To: Paul Hankins <paul.hankins@donjon.com>

Cc: John A. Witte <john.witte@donjon.com>; twilliamson@donjon-smit.com; Richard Janssen <r.janssen@smit.com>; Martin, Douglas <d.martin@smit.com>; Reed, John W CAPT <John.W.Reed@uscg.mil>; Baer, Matthew J CDR <Matthew.J.Baer@uscg.mil>; Beck, Kevin M CDR <Kevin.M.Beck@uscg.mil>; Coleman, Judson A LCDR <Judson.A.Coleman@uscg.mil>; Chris Graff <cgraff@chgms.com>; Tom Wiker <twiker@chgms.com>; Briggs, Salomee G LCDR <Salomee.G.Briggs@uscg.mil>

Subject: RE: [Non-DoD Source] Donjon-SMIT Meeting Request

Good afternoon, Mr Hankins-

Thank you for your email.

The FOSC and UC continue to prioritize the protection of the environment and integrity of the navigable waterways. The SMFF regulations found in 33 CFR 155.4010 et seq continue to apply to this response as approximately 44k gallons of petroleum products and hazardous substances remain onboard the vessel. Under 33 CFR § 155.4032(a), the Owner may seek approval from the FOSC to use another resource provider. Please note, the FOSC is not responsible for the Owner's selection of resource providers. The FOSC may approve an Owner's request to employ an additional resource provider if that resource provider is to be contracted for a specific response, under exceptional circumstances and when doing so would best affect a more successful response. The FOSC, in consultation with USN SUPSALV and USCG MSC SERT, thoroughly reviews all such requests, including an assessment of how it compares to the current resource providers proposed course of action.

Regarding your request for a meeting, I will defer to the Owner's representatives (copied) to schedule any desired meetings with the UC.

Thank you, again.

Very Respectfully,

CDR Norm Witt

EXHIBIT 6

Richard E. Fredricks

Marketing and Sales Manager

Donjon-SMIT, LLC

15402 Vantage Parkway East, Suite 316

Houston, Texas 77032 USA

Tel: 1-703-299-0081

Fax: 1-703-299-0085

Mobile: 1-410-507-0480

www.donjon-smit.com

-----Original Message-----

From: Fears, Douglas M RDML <Douglas.M.Fears@uscg.mil>

Sent: Tuesday, January 7, 2020 12:25 PM

To: Richard Fredricks <rfredricks@donjon-smit.com>; Douglas, Christopher CDR <Christopher.Douglas@uscg.mil>

Subject: Follow-up

Dick,

Per your request, I am available for a conference call. Please work with CDR Chris Douglas to set a convenient date and time.

Doug

From: Richard Fredricks <rfredricks@donjon-smit.com>

Sent: Monday, December 23, 2019 12:31 PM

To: 'Fears, Douglas M RDML' <Douglas.M.Fears@uscg.mil>

Cc: 'Tim Williamson' <twilliamson@donjon-smit.com>; 'Tulis, Dana S SES' <Dana.S.Tulis@uscg.mil>; 'Alonso, Ricardo CAPT' <Ricardo.M.Alonso@uscg.mil>; 'Douglas, Christopher CDR' <Christopher.Douglas@uscg.mil>

Subject: GOLDEN RAY - Please Telephone

Importance: High

Doug:

It is now over one month ago when we last spoke or corresponded. Frankly speaking, I had expected some response from you or a senior member of your staff well before now.

During the time since we spoke, the situation we discussed has only worsened. As I understand things, the U.S. Coast Guard as represented by CDR Norm Witt, USCG who serves as FOSC in the case of the GOLDEN RAY is in the final stages of approving a deviation that will have serious consequential results.

I do not know how completely you have been kept informed. I have an in-depth knowledge of the matter, so much so that I am equally concerned for the U.S. Coast Guard and the future of the OPA 90 SMFF regulations as I am for Donjon-SMIT.

Please telephone me at your first opportunity, day or night, via 1-410-507-0480 when we can briefly discuss this matter. My specific hope is that you will grant an appointment when this matter can be discussed in detail. Discussed in time for the U.S. Coast Guard to prevent a serious mistake from taking place.

Thank you for your consideration.

Best regards,

Dick

Richard E. Fredricks

Marketing and Sales Manager

Donjon-SMIT, LLC

[15402 Vantage Parkway East, Suite 316](#)

[Houston, Texas 77032 USA](#)

Tel: [1-703-299-0081](tel:1-703-299-0081)

Fax: [1-703-299-0085](tel:1-703-299-0085)

Mobile: [1-410-507-0480](tel:1-410-507-0480)

www.donjon-smit.com

From: Richard Fredricks <rfredricks@donjon-smit.com>

Sent: Wednesday, November 20, 2019 8:33 PM

To: Fears, Douglas M RDML <Douglas.M.Fears@uscg.mil>

Cc: Tim Williamson <twilliamson@donjon-smit.com>; Tulis, Dana S SES <Dana.S.Tulis@uscg.mil>; Alonso, Ricardo CAPT <Ricardo.M.Alonso@uscg.mil>; Douglas, Christopher CDR <Christopher.Douglas@uscg.mil>

Subject: Re: [Non-DoD Source] GOLDEN RAY - Thank you and update

Doug:

Thank you.

Please know I respect the press of your responsibilities and resulting schedule. Beyond that, my colleagues and I are grateful for the attention you are showing this matter.

EXHIBIT 7

U.S. Department of
Homeland Security

United States
Coast Guard



Commanding Officer
United States Coast Guard
Marine Safety Unit Savannah

Juliette G. Low Federal Bldg.
100 W. Oglethorpe Ave., Ste 1017
Savannah, GA 31401-3604
Phone: (912) 652-4353
Fax: (912) 652-4052

16450
24 December 2019

Donjon-Smit, LLC
ATTN: Mr. Tim Williamson
15402 Vantage Pkwy E. Suite 316
Houston, TX 77032

REPLY TO DEMAND LETTER

Dear Mr. Williamson:

Thank you for your letter. The Coast Guard and Federal On-Scene Coordinator (FOSC) have, at all times, operated within the authorities of Title 33 United States Code (USC) § 1321 and in accordance with the appropriate federal regulations and Coast Guard policy.

You allege Hyundai Glovis CO. LTD., (Hyundai) is not in compliance with their Non-Tank Vessel Response Plan (NTVRP). On December 21, 2019, I granted the Owner approval to deviate from their NTVRP in accordance with 33 USC § 1321(c)(3)(b) and Title 33 Code of Federal Regulations (CFR) § 155.4032. My approval is limited to this specific incident for the specific resource provider requested. Additionally, the NTVRP deviation approval fulfills the requirements of 33 CFR Part 155 and meets the requirements of my order of December 1, 2019.

You allege Hyundai and its P&I Club breached their obligations with respect to the NTVRP and DonJon-Smit. The Coast Guard and FOSC are not the appropriate authorities to resolve such contractual disputes. I recommend you resolve such disputes with the Owner and P&I Club directly.

Regarding your request to meet, I do not believe a meeting would be fruitful at this time, unless requested by Hyundai and consented to by other members of the Unified Command. Thank you for your dedicated efforts during this response.

Sincerely,

N. C. Witt
Commander, U.S. Coast Guard
Federal On-Scene Coordinator

Copy: Commandant (CG-MER)
Hyundai Glovis Co., LTD
Gallagher Marine

EXHIBIT 8

Bijan R. Siahatgar
T (713) 951-5666
F (832) 397-3507
Email:BSiahatgar@ClarkHill.com

December 26, 2019

VIA EMAIL - EFOIA@uscg.mil
COMMANDANT (CG-611)
ATTN FOIA OFFICER
US COAST GUARD STOP 7710
2703 MARTIN LUTHER KING JR AVE SE
WASHINGTON DC 20593-7710

Re: Donjon-Smit, LLC
M/V Golden Ray
IMO: 9775816

TO WHOM IT MAY CONCERN:

Please allow this correspondence to serve as our Freedom of Information Act (FOIA) request for the following documents relating to the above:

1. GL NV24 Shipping Inc.'s Deviation Request Letter to the U.S. Coast Guard, dated December 19, 2019; and
2. U.S. Coast Guard's Letter granting GL NV24 Shipping Inc.'s deviation request, dated December 21, 2019.

Please allow this request to be expedited as much as possible. If there is a cost associated with obtaining the requested documents, please contact me directly so that I can arrange payment. Should you have any questions please feel free to contact me.

Sincerely,

CLARK HILL LLP

/s/ Bijan R. Siahatgar

Bijan R. Siahatgar

EXHIBIT 9

Richard E. Fredricks

Marketing and Sales Manager

Donjon-SMITJ LLC

15402 Vantage Parkway East, Suite 316

Houston, Texas 77032 USA

Tel: 1-703-299-0081

Fax: 1-703-299-0085

Mobile: 1-410-507-0480

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-----Original Message-----

From: Fears, Douglas M RDML <Douglas.M.Fears@uscg.mil>

Sent: Tuesday, January 7, 2020 12:25 PM

To: Richard Fredricks <rfredricks@donjon-smit.com>; Douglas, Christopher CDR <Christopher.Douglas@uscg.mil>

Subject: Follow-up

Dick,

Per your request, I am available for a conference call. Please work with CDR Chris Douglas to set a convenient date and time.

Doug

From: Richard Fredricks <rfredricks@donjon-smit.com>

Sent: Monday, December 23, 2019 12:31 PM

To: 'Fears, Douglas M RDML' <Douglas.M.Fears@uscg.mil>

Cc: 'Tim Williamson' <twilliamson@donjon-smit.com>; 'Tulis, Dana S SES' <Dana.S.Tulis@uscg.mil>; 'Alonso, Ricardo CAPT' <Ricardo.M.Alonso@uscg.mil>; 'Douglas, Christopher CDR' <Christopher.Douglas@uscg.mil>

Subject: GOLDEN RAY - Please Telephone

Importance: High

Doug:

It is now over one month ago when we last spoke or corresponded. Frankly speaking, I had expected some response from you or a senior member of your staff well before now.

EXHIBIT 10



Tim Williamson <twilliamson@donjon-smit.com>

Re: Proof of FOIA filing below

Richard Fredricks <rfredricks@donjon-smit.com>

Mon, Jan 13, 2020 at 2:57 PM

To: Charles Nottingham <Chip@chipnottingham.com>

Cc: "paul.hankins@donjon.com" <paul.hankins@donjon.com>, Tim Williamson <twilliamson@donjon-smit.com>

Chip:

Many, many thanks!

Best regards,
DickSent from my iPhone
Richard E. Fredricks
Donjon-SMIT, LLC
Mobile: 1-410-507-0480

On Jan 13, 2020, at 2:48 PM, Charles Nottingham <Chip@chipnottingham.com> wrote:

Paul and Dick:

I filed the FOIA request a few minutes ago using the recommended DHS electronic form and template. I requested expedited processing due to imminent threats to humanitarian concerns (from the short menu provided).

See below from DHS' FOIA Office.

Chip Nottingham

Begin forwarded message:

From: WCM DHS <wcmmonitoring@dhs.gov>**Date:** January 13, 2020 at 2:36:02 PM EST**To:** chip@chipnottingham.com**Subject: Form submission from: DHS FOIA / Privacy Act Request Submission Form****Reply-To:** Homeland Security <efoia@uscg.mil>

Submitted on Monday, January 13, 2020 - 14:36

Submitted by user: Anonymous

Submitted values are:

Select the DHS component you wish to submit your request to: : United States

Coast Guard (USCG)

Title: Mr.

First Name: Charles

Middle Initial: D.

Last Name: Nottingham

Suffix:

Email Address: chip@chipnottingham.com

Country: United States

Address 1: 1701 Pennsylvania Avenue NW

Address 2: Suite 200

City: Washington

State: District of Columbia

Zip Code: 20006

Telephone Number: 2022155456

Fax Number: 2025806559

Are you requesting records on yourself? No

If yes, you must check the perjury statement:

By initialing here you are providing your electronic signature.:

Please describe the records you are seeking as clearly and precisely as possible: Any and all correspondence, documents, email, mail, faxes, text messages, meeting minutes and memos starting on September 8, 2019 until the present relating to the capsizing, salvage, containment, environmental response, pollution control, and/or removal of the vessel MV GOLDEN RAY off the coast of Brunswick, Georgia between U.S. Coast Guard personnel and the following: the U.S. Navy Office of the Supervisor of Salvage and Diving; Glovis Hyundai (vessel owner); North of England Protection and Indemnity Association (also known as the "P&I Club", the vessel insurer); Global Salvage Consultants (also known as GSC); T&T Salvage, LLC. With respect to the U.S. Coast Guard this request specifically includes (but is not limited to) the above described records and documents sent by or received from the following federal personnel: Admiral Karl L. Schulz (email address karl.l.schulz@uscg.mil); Rear Admiral Douglas M. Fears, Assistant Commandant for Response Policy (douglas.m.fears@uscg.mil); Ms. Dana S. Tulis, Director, Incident Management and Preparedness Policy (dana.s.tulis@uscg.mil); Captain Ricardo M. Alonso, Office of Marine Environmental Response Policy (ricardo.m.alonso@uscg.mil); Vice Admiral Scott A. Buschman, Atlantic Area Commander (scott.a.buschman@uscg.mil); Rear Admiral Eric Jones, 7th District (eric.c.jones@uscg.mil); Captain John Reed, Sector Charleston (john.w.reed@uscg.mil); Commander Norm Witt, Federal On-Scene Coordinator (FOSC), (norm.c.witt@uscg.mil); Commander Kevin Beck, USCG (kevin.m.beck@uscg.mil); Commander Matthew J. Baer, USCG (matthew.j.baer@uscg.mil); Andrew Lawrence, SERT (andrew.r.lawrence@uscg.mil). With respect to the U.S. Navy Supervisor of Salvage and Diving this request includes: Captain Jay Young, Supervisor of Salvage, USN (jay.a.young@navy.mil); Michael S. Dean, Deputy Supervisor of Salvage USN (michael.s.dean@navy.mil); Vincent Jerecki, Naval Architect, Supervisor of Salvage USN (vincent.jarecki@navy.mil). With respect to Glovis Hyundai Glovis (also known as Hyundai Glovis), this request includes: Michael Mavrinac, Manager Ocean Carrier Service (mmavrinac@glovisusa.com). With respect to North of England Protection and Indemnity Association (also known as North of England P&I Club), this request includes: Matthew Moore, Global Director (claims) (matthew.moore@nepia.com); Alistair Ridgely, Senior Executive (Claims) (alistair.ridgely@nepia.com); and Iain Gilchrist (iain.gilchrist@nepia.com). With respect to Global Salvage Consultants (also known as GSC) this request includes: Hans van Rooij (hansvanrooij@marineconsultant.nl); Jacob Hogendorp (jh@salvageconsultancy.com); Camiel de Jongh (cdj@salvageconsultancy.com); Guy Pochet (gp@salvageconsultancy.com); Ian Carrasco (ic@salvageconsultancy.com). With respect to T&T Salvage, LLC this request includes: James (Jim) Elliot, Vice President (jim.elliott@teichmangroup.com); Mauricio Garrido, President (mmg@ttsalvage.com); Kevin Teichman, Chief Executive officer (kevint@teichmangroup.com).

I am willing to pay fees for this request up to the amount of: \$: 25,000

Select from the list below: Affiliated with a private corporation and seeking information for use in a company's business.

I request a waiver of all fees for this request.:

Please provide an explanation for your request for a fee waiver:

Please select and describe in detail if you believe your request warrants expeditious handling: A harm to substantial humanitarian concerns exists.

Please provide information to support your selection: This request relates to the USCG's deviation from established regulations pursuant to the Oil Pollution Act of 1990 relating to the safe and efficient salvage, removal and pollution abatement plans for the capsized vessel Golden Ray. This deviation in contravention of federal law and regulation raises an imminent threat to the sensitive marine environment near Brunswick, Georgia and to the many thousands of people who depend on that marine environment for their

livelihood. The USCG's impending contract award to remove the vessel in large sections and without a solid steel cofferdam poses and imminent threat to the Georgia coastline and environment and a corresponding humanitarian crisis for nearby residents and fishermen.

EXHIBIT 11



Tim Williamson <twilliamson@donjon-smit.com>

GOLDEN RAY - Exchanges with RDML Fears, USCG and CDR Douglas, USCG

Richard Fredricks <rfredricks@donjon-smit.com>

Wed, Jan 15, 2020 at 8:24 AM

To: Tim Williamson <twilliamson@donjon-smit.com>, Paul Hankins <paul.hankins@donjon.com>, Charles Nottingham <Chip@chipnottingham.com>

Gentlemen:

Following is a string of email exchanges with RDML Douglas Fears, USCG, Assistant Commandant for Response Policy.

We sought an appointment with RDML Fears to inform him of developments and our concerns with the U.S. Coast Guard's oversight of the response to the GOLDEN RAY and to seek his support to set things straight. RDML Fears had insufficient 'bandwidth' to grant an appointment but only a short conference call with he and his senior staff. As you will see, neither RDML Fears nor his staff have provided any response after nearly two (2) months. Note that I have not yet received a response to my most recent email and voice messages to CDR Douglas. Clearly, our concerns with the GOLDEN RAY are not a priority for RDML Fears.

The following string of messages should be read from the bottom up. RDML Fear's messages are highlighted in yellow to facilitate understanding.

Best regards,

Dick

Richard E. Fredricks

Marketing and Sales Manager

Donjon-SMIT, LLC

[15402 Vantage Parkway East, Suite 316](#)

[Houston, Texas 77032 USA](#)

Tel: [1-703-299-0081](tel:1-703-299-0081)

Fax: [1-703-299-0085](tel:1-703-299-0085)

Mobile: [1-410-507-0480](tel:1-410-507-0480)

www.donjon-smit.com

-----Original Message-----

From: Richard Fredricks <rfredricks@donjon-smit.com>

Sent: Tuesday, January 14, 2020 8:40 AM

To: 'Douglas, Christopher CDR' <Christopher.Douglas@uscg.mil>

Cc: 'Fears, Douglas M RDML' <Douglas.M.Fears@uscg.mil>

Subject: GOLDEN RAY - Follow-up

Dear CDR Douglas:

Further to recent email exchanges, I request your assistance to schedule an appointment, not a telephone call, when I can meet with RDML Fears. Ideally, an appointment this coming Friday, January 17th at any time convenient for RDML Fears.

I will telephone you after 0900 this morning when we can finalize the meeting schedule. Alternatively, please telephone me via 1-410-507-0480.

Thank you.

Best regards,

Dick

Richard E. Fredricks

Marketing and Sales Manager

Donjon-SMIT, LLC

15402 Vantage Parkway East, Suite 316

Houston, Texas 77032 USA

Tel: 1-703-299-0081

Fax: 1-703-299-0085

Mobile: 1-410-507-0480

www.donjon-smit.com

-----Original Message-----

From: Richard Fredricks <rfredricks@donjon-smit.com>

Sent: Tuesday, January 7, 2020 3:47 PM

To: 'Fears, Douglas M RDML' <Douglas.M.Fears@uscg.mil>; 'Douglas, Christopher CDR' <Christopher.Douglas@uscg.mil>

Subject: RE: Follow-up

Doug:

Thank you for your message. A meeting or at least a discussion two weeks ago would have been beneficial. While I am not certain, it might even have precluded some, if not all, of what is taking place now. I will contact CDR Douglas before the end of this week with the hope he can schedule a conference call for us to speak next week.

Best regards,

Dick

EXHIBIT 12

Flores, Greg

From: Paul Hankins <pfhankins@gmail.com>
Sent: Friday, February 21, 2020 1:34 PM
To: Flores, Greg
Cc: Griggs, Garney; Husted, Clifford Bowie; Joe Odachowski; twilliamson@donjon-smit.com
Subject: Fwd: FW: GOLDEN RAY - RDM:L Fears Meting Request

[External Message]

In reference to timeline questions and footnote of email text, below is additional info regarding scheduling discussions with RDML Fears staff.

----- Forwarded message -----

From: Richard Fredricks <rfredricks@donjon-smit.com>
Date: Fri, Feb 21, 2020 at 2:14 PM
Subject: FW: GOLDEN RAY - RDM:L Fears Meting Request
To: Tim Williamson <twilliamson@donjon-smit.com>

Tim:

The following exchange with CDR Douglas, USCG also has to be included in the submission. It is an exchange that took place nine (9) days after the 'string of RDML Fears emails was originally prepared.

Best regards,

Dick

Richard E. Fredricks

Marketing and Sales Manager

Donjon-SMIT, LLC

[15402 Vantage Parkway East, Suite 316](#)

[Houston, Texas 77032 USA](#)

Tel: [1-703-299-0081](tel:1-703-299-0081)

Fax: [1-703-299-0085](tel:1-703-299-0085)

From: Richard Fredricks <rfredricks@donjon-smit.com>
Sent: Friday, January 24, 2020 11:31 AM
To: 'Douglas, Christopher CDR' <Christopher.Douglas@uscg.mil>
Subject: GOLDEN RAY - Meeting Request

CDR Douglas:

What you have told us is more than disappointing.

Earlier you had advised that RDML Fears was available for a telephone call between 1500-1600 today. We advised you that the matter of the GOLDEN RAY was too important for a telephone discussion and offered to present ourselves at the same time for a face-to-face meeting with RDML Fears.

Now you offer a 30-60 meeting with RDML Fears sometime during the first week of February, nearly three (3) months after we had first requested an appointment to meet.

The GOLDEN RAY is the most serious maritime casualty to occur in U.S. waters in decades and it is the most significant casualty to occur since the OPA 90 Salvage and Marine Firefighting (SMFF) regulations were promulgated. It should not take three months for the salvor named in a major casualty's Vessel Response Plan to secure a meeting with the relevant office of the U.S. Coast Guard.

We will revert with our further thoughts concerning the offered meeting.

Best regards,

Dick

Richard E. Fredricks

Marketing and Sales Manager

Donjon-SMIT, LLC

[15402 Vantage Parkway East, Suite 316](#)

[Houston, Texas 77032 USA](#)

Tel: [1-703-299-0081](tel:1-703-299-0081)

Fax: [1-703-299-0085](tel:1-703-299-0085)

From: Douglas, Christopher CDR <Christopher.Douglas@uscg.mil>
Sent: Friday, January 24, 2020 8:52 AM
To: Richard Fredricks <rfredricks@donjon-smit.com>
Subject: RE: [Non-DoD Source] GOLDEN RAY - Maritime TV - Stakeholders Roles in a Salvage Scenario.

Good morning Sir.

Admiral Fears and I discussed again last night and we're on for an in-person discussion at CGHQ. However, today is not possible as he is preparing for overseas travel for all next week. Therefore, I'm looking into the first week of February, upon his return to the CONUS.

While I move some things around on his calendar to facilitate our discussion, I respectfully request you send us an agenda of the particular items of concern, from your point of view. We humbly ask for this information in order to make best use of our time for a fruitful talk.

I'll ask the CAPT Alonso and CAPT Trego also attend. So I need to check their calendars, and then I'll be back in touch w/ a date and time or the week of 03 February.

Lastly, do you think 30 or 60 minutes would be sufficient time?

Sincerely,

CDR Douglas

From: Richard Fredricks <rfredricks@donjon-smit.com>
Sent: Wednesday, January 22, 2020 7:07 PM
To: Douglas, Christopher CDR <Christopher.Douglas@uscg.mil>
Subject: RE: [Non-DoD Source] GOLDEN RAY - Maritime TV - Stakeholders Roles in a Salvage Scenario.
Importance: High

Dear CDR Douglas:

Thank you for your message and invitation to speak with RDML Fears via telephone this coming Friday afternoon between 1500-1600 EST.

As we (you and I) recently discussed, the matter of the GOLDEN RAY is far too important for it to be dealt with over the telephone. That said, we accept your invitation to speak with RDML Fears on Friday afternoon but only in person. Please advise what security clearance information you require and I will submit it?

Thank you and regards,

Dick

Richard E. Fredricks

Marketing and Sales Manager

Donjon-SMIT, LLC

[15402 Vantage Parkway East, Suite 316](#)

[Houston, Texas 77032 USA](#)

Tel: [1-703-299-0081](tel:1-703-299-0081)

Fax: [1-703-299-0085](tel:1-703-299-0085)

From: Douglas, Christopher CDR <Christopher.Douglas@uscg.mil>

Sent: Wednesday, January 22, 2020 5:40 PM

To: Richard Fredricks <rfredricks@donjon-smit.com>

Subject: RE: [Non-DoD Source] GOLDEN RAY - Maritime TV - Stakeholders Roles in a Salvage Scenario.

Good evening Sir.

I can offer a phone call between you and RDML Fears this Fri, 24 Jan between 1500-1600 EST. I apologize it has taken me a while to get back w/ you.

Sincerely,

CDR Douglas

From: Richard Fredricks <rfredricks@donjon-smit.com>

Sent: Friday, January 17, 2020 10:49 AM

To: Douglas, Christopher CDR <Christopher.Douglas@uscg.mil>

Subject: [Non-DoD Source] GOLDEN RAY - Maritime TV - Stakeholders Roles in a Salvage Scenario.

CDR Douglas:

First, thank you for your telephone call last night concerning our request to meet with RDML Douglas Fears concerning the response to the GOLDEN RAY at Brunswick, GA.

As briefly discussed, my colleagues and I invite you to review the following video clip as prepared by Maritime TV. The video clip presents a portion of the 2019 Annual Meeting of the American Salvage Association held at New Orleans, LA on December 3, 2019. While you are welcome to watch the entire video, we suggest you focus on the *Stakeholders Roles in a Salvage Scenario*. More specifically, we suggest you pay particular attention to what is said by Charles Anderson, Senior Vice President of Skuld New York.

While Skuld is not the P&I club interested in the GOLDEN RAY, Charles Anderson's message concerning the scenario appears to echo what is being done by the North of England inserting itself and taking control in the case of the GOLDEN RAY.

<http://www.maritimetv.com/Events/American-Salvage-Association-2019-Annual-Meeting/VideoId/3926/asa-2019-meeting-key-stakeholders-roles-in-a-salvage-scenario>

To our understanding there is no distinction in the OPA 90 SMFF regulations between salvage and removal. There appears to be a coordinated effort by members of the International Group of P&I Clubs, at least the North of England and Skuld, that is detrimental to OPA 90 SMFF responses.

We await your advices concerning our requested meeting with RDML Fears.

Best regards,

Dick

Richard E. Fredricks

Marketing and Sales Manager

Donjon-SMIT, LLC

[15402 Vantage Parkway East, Suite 316](#)

[Houston, Texas 77032 USA](#)

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Fax: [1-703-299-0085](#)

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--

Timothy P. Williamson
General Manager
Donjon-SMIT LLC
15402 Vantage Pkwy E. Suite 316
Houston, Texas 77032
Tel: +1 703 299 0081
[www.donjon-smit.com](#)

--

Paul Hankins

EXHIBIT 13



St. Simons Sound Response

St. Simons Sound Incident Response Unified Command announces EPB construction and wreck removal plan

The Unified Command (UC) for the St. Simons Sound Incident Response, in coordination with the owners of the motor vessel *Golden Ray*, have developed a plan and received permits for the construction of an environmental protection barrier (EPB) to be built around the grounded vessel before it is cut into sections and removed.

U.S. Army Corps of Engineers, Savannah District, on Tuesday, Feb. 4, issued permits for EPB construction. The EPB is designed to protect the environment from pollution and debris.

The UC will be available at 10 a.m. Friday, Feb. 7, for media interviews about the construction of the EPB, at the Susan Shipman Environmental Learning Center at 1 Conservation Way in Brunswick.

EPB construction is scheduled to begin in approximately two weeks. Construction will require pile driving operations during daylight hours. The public should expect construction noise.

"There's no way to remove the *Golden Ray* without making noise—there's no way around it," said Kevin Perry of Gallagher Marine Systems, incident commander for the responsible party. "The EPB construction noise will be limited to daylight hours. We appreciate everyone's patience with the noise levels as we work to remove this wreck as quickly and safely as possible."

The EPB will include large floating boom to help contain surface pollutants, as well as double layer netting to contain subsurface debris.

"We recognize that the floating boom of the EPB alone will probably not be enough to contain surface pollution when we cut into the hull," said Coast Guard Cmdr. Norm Witt, federal on scene coordinator for the response. "That's why we'll have crews and equipment, both inside the barrier and out, ready to respond."

Contractors will remove the wreck using the VB-10,000 floating crane to cut through the hull with a large diamond-cutting chain. The plan is to make seven cuts and remove eight large sections. Each section of the

2/6/2020

St. Simons Sound Incident Response Unified Command announces EPB construction and wreck removal plan | St. Simons Sound Response

Golden Ray, weighing approximately 2,700 to 4,100 tons, will be lifted by the VB-10,000 onto a barge, then transported to a certified off-site recycling facility for further dismantling and recycling.

"Each individual large-section cut will take approximately 24 hours, and once a cut begins, must continue until that cut is complete," said John Maddox, Georgia Department of Natural Resource state on scene coordinator. "That means noise through the night during some 24-hour periods. We do not yet know when the cutting will begin, but we will make announcements for cutting operations once they are scheduled."

Further details and graphics describing plans and equipment are available at the St. Simons Sound Incident Response official website: <https://ssireponse.com/> . The joint information center (JIC) for the St. Simons Sound Incident Response is the response's official source of information. The JIC can be reached by phone at 912 944 7122 or email at simonsresponse@gmail.com.

St. Simons Sound Wreck Removal Animation



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