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**CLOSED
CIVIL
CASE**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
KEY WEST DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 92-10027-CIV-DAVIS
CASE NO. 95-10051-CIV-DAVIS
MAGISTRATE JUDGE GARBER

JUDGMENT

v.

KANE FISHER, and SALVORS, INC.,

Defendant.

FILED BY *Ma* D.C.
SEP 3 1997
CARLOS JUFENKE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

THIS MATTER is before the Court on its own initiative. This action was tried to the Court on May 12-13 and 19-22, 1997. The Court, by separate order dated July 30, 1997, issued its Findings of Fact and Conclusions of Law. As there are no justiciable issues remaining, this matter is ready to proceed to final judgment. Accordingly, it is

ORDERED AND ADJUDGED that Plaintiff United States of America shall recover of Defendants Kane Fisher and Salvors, Inc., jointly and severally, the following amounts:

- (1) \$211,130 for responses and assessment costs incurred by the United States;
- (2) \$26,533 in interest on those response and assessment costs from January 31, 1997; and
- (3) \$351,648 to implement a compensatory seagrass restoration project to compensate the

public for seagrass injuries. It is

FURTHER ORDERED AND ADJUDGED that the Defendants are permanently enjoined from (a) using prop wash deflectors or "mailboxes" in the Florida Keys National Marine Sanctuary and (b) removing artifacts from the Florida Keys National Marine Sanctuary both without a valid permit issued by the National Oceanic and Atmospheric Administration (NOAA).

E C O R D	SEP 11 1997	R E C O R D
	<i>90-10-2460</i>	
	(2) ENRD	
	Gen. Lit. Sec.	

FURTHER ORDERED AND ADJUDGED that the Defendants shall return all artifacts that are the subject of this action which they recovered from the Florida Keys National Marine Sanctuary in 1992 to NOAA. The Defendants shall return all such artifacts to NOAA, including those that may have been transferred to third parties, at a location in Key West, Florida to be designated by NOAA within sixty (60) days of the date stamped on this Judgment unless NOAA agrees in writing to a delay. The Defendants are directed to contact opposing counsel to coordinate an orderly transfer of the artifacts. In returning the artifacts to NOAA, the Defendants shall ensure that the artifacts are handled and cared for in such a manner that will ensure their conservation and integrity. It is

FURTHER ORDERED AND ADJUDGED that the Court shall retain jurisdiction to enforce this Judgment and award costs, if any. It is

FURTHER ORDERED AND ADJUDGED that for administrative and statistical purposes, the Clerk's Office shall **CLOSE THIS CASE**. All pending motions not otherwise addressed are **DENIED AS MOOT**.

DONE AND ORDERED in Chambers in Miami, Florida, this 3rd day of Sept. ~~August~~, 1997.


EDWARD B. DAVIS
CHIEF UNITED STATES DISTRICT JUDGE

Copy: James Lofton
Jon Mueller
Caroline Zander
Michael Barnes
William VanDercreek
Richard Rumrell