

The parties in Maersk Line, Ltd. v. Vilsak, et al. (09cv747 E.D. Va.) agree that Plaintiff Maersk Line, Ltd. ("Plaintiff") will file a Federal Rule of Civil Procedure 41(a) Voluntary Dismissal based upon the following representations:

The United States government agrees that during the pendency of an interim period in which government officials will determine the legal position of the United States involving the issues raised in the instant litigation, the following will apply:

1. Beginning on the date that this agreement is signed, and continuing during the pendency of the above-mentioned interim period, for purposes of determining compliance with the Cargo Preference Act ("CPA"), 46 U.S.C. § 55305, et seq., USAID and USDA will utilize the vessel classification list of U.S.-flagged vessels in the "Active U.S. flag vessels in the Agricultural Preference Trade" report, which is published by the Maritime Administration ("MarAd") and made publicly available on MarAd's web site in order to classify vessels as either a "dry cargo liner," "dry bulk carrier," or "tanker." This classification list is included as Attachment One. Changes to the list will be made only to include new vessels which heretofore have not been defined on the basis of type of service.
2. Beginning on the date that this agreement is signed, and continuing during the pendency of the above-mentioned interim period, MarAd will update its web site statistics regarding cargo preference compliance for the Title II program with an annotated calculation that computes compliance beginning at the start of the aforementioned interim period. Cargo preference compliance calculations for the purpose of this agreement will begin on the date of the signing of this agreement and continue to September 30, 2009, or the date on which government officials determine the legal position of the United States, whichever is later. USAID will utilize MarAd's annotated calculation in determining its compliance with the participation percentages in accordance with the CPA for future invitations during this period.
3. For purposes of CPA compliance, USAID will make every effort to maximize fixtures of U.S.-flag dry cargo liners to achieve the 75% participation for cargo booked between the date of this agreement and September 30, 2009, or the date on which government officials determine the legal position of the United States, whichever is later.
4. The government will take no retaliatory action against Plaintiff with respect to the Title II program administration.

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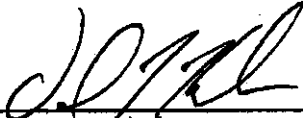
Once the United States government has reached a final resolution regarding its legal position, government counsel will notify counsel for the Plaintiff. Nothing herein precludes Plaintiff from refiling this action, after prior consultation with government counsel, or prevents the United States government from exercising its statutory rights.

EXECUTED on July 10, 2009 By:

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BY: 

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