

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: THE MATTER OF
INGRAM BARGE COMPANY, LLC

CIVIL ACTION

No. 23-2426

SECTION I

ORDER & REASONS

Before the Court is a “Verified Complaint for Exoneration or Limitation of Liability”¹ filed by Ingram Barge Company, LLC (“Ingram Barge”). The Court construes Ingram Barge’s filings as a motion to approve security and initiate limitation concursus. For the following reasons, the Court dismisses the motion without prejudice.

Ingram Barge asks this Court to accept as security a Letter of Undertaking (“LOU”) in which Ingram Barge promises “to pay and satisfy” claims up to the sum representing the amount of Ingram Barge’s interest in the vessel M/V CAROL MCMANUS, the barges mentioned in the complaint, and the vessels’ pending freight, if any, at the termination of the voyage at issue, plus applicable interest.² The LOU further states that, “[u]pon demand” it will “cause to be filed in this action a bond or alternate Letter of Undertaking with the approved corporate security” in the same amount.³ The LOU is signed by Ingram Barge’s general counsel, but is not

¹ R. Doc. No. 1.

² R. Doc. No. 1-2.

³ *Id.* ¶ 3.

underwritten by any insurer; instead, it states that Ingram Barge “has adequate self-insured retention to satisfy” potential claims.⁴ This Court has previously written that a party initiating an exoneration or limitation action “must, at the very least, provide a Letter of Undertaking (“LOU”) or similar assurance *from an independent surety* before this Court will approve such a motion and initiate a limitation concursus.”⁵ Ingram Barge has not complied with this requirement.

Accordingly,

IT IS ORDERED that Ingram Barge’s motion⁶ is **DISMISSED WITHOUT PREJUDICE**.

New Orleans, Louisiana, July 28, 2023.

A handwritten signature in black ink, appearing to read "Lance Africk", written over a horizontal line.

LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE

⁴ *Id.* ¶ 5.

⁵ *In the Matter of the Complaint of B&J Martin, Inc.*, E.D. La. Case No. 20-2360, R. Doc. No. 3, at 2 (emphasis added) (Africk, J.).

⁶ R. Doc. No. 1.