

ATLANTIC WRECK SALVAGE, LLC

D/V Tenacious

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September 3, 2020

Via Publication and Electronic Mail

Re: *Atlantic Wreck Salvage, LLC v. The Wrecked and Abandoned Vessel known as the S.S. CAROLINA, which sank in 1918, her engines, tackle, appurtenances and cargo,*

Docket No.: 1:14-cv-03280-JHR-KMW

Dear fellow boat captains and divers:

1. Ownership & Arrest

I am the owner/operator of Atlantic Wreck Salvage, LLC (AWS) which has sole and exclusive ownership and salvage rights to the *SS Carolina*. Like most of you, my passion for wreck diving has led me to a passion for maritime history. We live in the right place. The mid-Atlantic coast will keep us busy for several lifetimes. The story of the *SS Carolina* needs no re-telling to any member of our small community. I was fascinated with the wreck long before I was qualified to dive it, and once I began diving it, I was hooked.

2. History of arrest of *SS Carolina* and other wrecks

From 1995 to 2000, John Chatterton had salvage rights to the wreck in order to protect his interests. Chatterton spent time and money in the pursuit of items that he wished to salvage from the wreck. He graciously allowed other divers access to the wreck as long as they did not interfere with his projects. Offshore deep salvage requires an enormous commitment. But for an Admiralty arrest, a salvor like Chatterton would have no protection for his projects from opportunistic interlopers who may lie in wait until the object(s) being salvaged are ready to be lifted to the surface and hoisted onto a waiting vessel. Chatterton abandoned title to the *SS Carolina* shortly after recovering the purser's safe in 2000 and went on to bigger things.

The concept that a wreck can be “owned” by a salvor yet still enjoyed by the wreck community is not new. Simon Mills owns title to the *HMHS Britannic*. The late Greg Bemis owned title to the *RMS Lusitania*. Our very own John Moyer, Steve Gatto and Tom Packer own rights to the *SS Andrea Doria*. None of these men ever halted diving on their wrecks by anyone who respected their property rights and their wishes to salvage these wrecks without interference.

3. AWS’s rights to the *SS Carolina*

I continued to dive the wreck for many years. Tom Packer and I searched for the remnants of the bridge and other items of interest such as the ship’s bell, its whistle, the engine room telegraph, gauge panel, and bow letters. In 2013, we found the bridge and we decided that one of us should perfect an Admiralty arrest given the level of work required to free what we could see and the more extensive work needed to access what is buried beneath wreckage and sand.

AWS arrested the abandoned wreck of the *SS Carolina* in 2014. The U.S. District Court for the District of New Jersey, the Honorable Joseph H. Rodriguez ultimately granted AWS exclusive and sole salvage rights to the vessel in the matter of *Atlantic Wreck Salvage, LLC v. The Wrecked and Abandoned Vessel known as the S.S. CAROLINA, which sank in 1918, her engines, tackle, appurtenances and cargo*, No. 1:14-cv-03280-JHR-KMW.

I know that the concept of arresting a shipwreck does not sit well with many of you, and although I may understand and respect your opinion, I decided to arrest the *SS Carolina* to protect the wreck and the efforts of my team. We have spent a lot of money and time recovering and restoring priceless artifacts lifted from her that the sea would have otherwise destroyed. These projects are not one-time deals. They are ongoing and accomplished one piece at a time. The only way to protect the time and effort our team has and continues to put into this salvage was to arrest the wreck.

4. Litigation

For many years I and AWS permitted other boats and divers to visit the wreck unhindered by restrictions based on a mutual understanding and trust that no one would interfere with our projects and work on the wreck. Recently however, I was forced into litigation in order to protect my rights to the *SS Carolina*. I learned through other members of the dive community that the *RV Explorer* and its owner dived the wreck on July 19, 2020, recovered various objects and was planning to return to the wreck in subsequent weeks on at least two trips. I requested an inventory of items removed from the wreck, and the *RV Explorer*’s operator took the position that he would not respect AWS’s claims. To make it clear, I did not initially attempt to forbid *RV Explorer*, its owner or third parties associated with them from diving the wreck. However, due to their response to my request and on the advice of counsel, I am now forced to take a more restrictive approach to anyone who wishes to visit the *SS Carolina*. On September 1, 2020, Judge Rodriguez issued an order permanently enjoining and restraining the *RV Explorer* and its owner from interfering with AWS’s sole and exclusive ownership and salvage rights to the *SS Carolina*.

5. Future of diving on the *SS Carolina*

So what does it mean to take a more restrictive approach?

For one, I have no desire to stop respectful divers from diving the *SS Carolina*. She is magnificent. In fact, I would encourage any of you who are qualified to visit her remains.

However, and unfortunately, I will now require prior notice by you and consent by AWS and myself of any diving activity on the wrecked vessel. AWS has continuing projects including but not limited to locating and salvaging the remaining contents of the *SS Carolina*'s bridge, its bell, its steam whistle, the bow letters, certain portholes, certain rare pieces of china and silverware, and other mechanisms and equipment. I ask that you refrain from interfering with these projects by removing or destroying any of these items. Should you decide to remove items from the *SS Carolina*, you will be required to provide photographs of them along with a short description of each item and the location from where they were recovered on the wreck. There are many objects that will be lost to the marine environment with the passage of time if they are not recovered. Like the practices you follow on other wrecks when hunting for artifacts, you may do so on the *SS Carolina* as long as you do not interfere with AWS's rights.

Two, if you have no intentions on respecting the above, my company's right to salvage the wreck without interference, or if I suspect a general contempt to AWS's salvage rights, then I will seek a specific order forbidding you from diving it just like the order you see attached to this letter against the *RV Explorer*.

I welcome any questions or conversations about diving the *SS Carolina*. My email is jmazraani@dvtenacious.com. I encourage all of you to reach out to me with any concerns or inquiries. The last thing I want is for this notice to cause rifts or hard feelings within our small community.

6. SS Carolina page

Facebook is full of sites devoted to the world's great shipwrecks, and there is no reason the *SS Carolina* should not have her own. Soon, a Facebook page will be developed and dedicated to the *SS Carolina* on which we may, with your permission, post photos of any artifacts you recover and give you credit for same. We will also use the site to post stories and promote presentations about the wreck and invite you all to do the same. This will serve many purposes from cataloguing items recovered from the wreck to a collaborative effort of this small community in showing the world artifacts from a beautiful liner – the *SS Carolina*.

Your anticipated cooperation is always greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Very Truly Yours,

JOE M. MAZRAANI

JMM/jm
Enclosure

cc: Matthew Charles, Esq. – Concannon & Charles, PC
Patrick McStravick, Esq. – Ricci Tyrrell Johnson & Grey, Attorneys at Law

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ATLANTIC WRECK SALVAGE, LLC

Plaintiff,

v.

THE WRECKED AND ABANDONED VESSEL,
known as the *S.S. CAROLINA*, which sank in 1918, her
engines, tackle, appurtenances and cargo,

in rem
Defendant.

No. 1:14-cv-03280-JHR-KMW

ORDER

AND NOW, this 1st day of September, 2020, having been brought before the Court by Plaintiff Atlantic Wreck Salvage, LLC (“AWS”), through its counsel, on its *ex parte* Emergency Application for a Temporary Restraining Order and Motion to Enforce the Court’s July 19, 2017 Permanent Injunction (Doc. No. 23), and the Court’s August 17, 2020 Order to Show Cause (Doc. No. 24); and the Court having considered the response filed by Rustin Cassway, the vessel *RV Explorer*, the vessel owner, Research Vessel Explorer, LLC (Doc. No. 28), Plaintiff’s reply (Doc. No. 30), and the arguments advanced at the telephone hearing held on September 1, 2020; and for good cause shown, it is hereby **ORDERED AND DECREED** that:

Rustin Cassway, the vessel *RV Explorer* and its owner, Research Vessel Explorer, LLC, and any other unnamed third parties operating with them, are permanently enjoined and restrained from interfering with Plaintiff AWS’s sole and exclusive ownership and salvage rights to the Defendant vessel *S.S. CAROLINA*. Specifically, said third parties may not alter or destroy the *S.S. CAROLINA* or remove any items from the *S.S. CAROLINA*.

IT IS FURTHER ORDERED that any violation by any person of the injunctive relief set forth herein and in the Court's Order dated July 19, 2017 (Doc. No. 22) may constitute an act of piracy, trespass or other depredation which upon application or motion by Plaintiff AWS shall be heard and adjudicated forthwith with appropriate penalty and sanction levied upon any offending person as may be determined by this Court.

BY THE COURT:

/s/ Joseph H. Rodriguez

Hon. Joseph H. Rodriguez,
UNITED STATES DISTRICT JUDGE