

51118 3 2 1 March 13, 1990 Sanyo Electric sold 6,000 cartons of VCR's. Japan Intermodal contracted with Zim Israel to transport the cargo in four containers from Osaka and Yokohama to New York aboard the M/V ZIM TOKYO.

On May 23, 1990 the ZIM TOKYO arrived in New York and berthed at Maher Terminal's Tripoli Street facility. The Tripoli Street area consisted of 200 acres fully enclosed by an 8' cyclone fence topped with barbed wire. As an additional security measure, Maher maintains an area in the terminal, known as the high value area, where it provides heightened security for certain cargo, including lighting during evening hours and periodic inspection of containers and seals.

On May 23, 1990 the four containers of VCR's were discharged from the vessel by employees of Maher. Each of the containers was found to have the original manufacturers' seals intact and was placed in the high value area.

During the early morning shift the terminal was manned by two security guards; one at the main gate and Officer Fitzpatrick on patrol. The guards could communicate by radio. At about 4:00 a.m. when sitting inside his patrol vehicle near the high value area, and munching a sandwich, Fitzpatrick was confronted by a masked intruder who was wielding a hand gun. The intruder ordered Fitzpatrick at gun point to leave the vehicle and walk toward a row of containers where Officer Fitzpatrick was beaten and locked inside a container. The thieves breached the seals of almost 200 shipping containers. They cut the padlocks off, opened, and pilfered 46 shipping containers. They also opened an additional 140

containers. While locked inside the container Officer Fitzpatrick heard truck engines in the terminal which were used to transport two chassis and two containers containing 3,340 VCR's out the back gate of Mahar Terminal. Several hours later, Officer Fitzpatric was discovered inside a closed container, and was removed in an ambulance.

Three individuals responsible for the armed robbery were apprehended and ultimately convicted in the U. S. District Court for the Central District of California in Los Angeles. Mahar Terminals was found negligent in failing to provide adequate security and liable to Sanyo Electric for \$658,015.00 plus prejudgment interest.

More next week on The Admiralty Docket. Until then, remember your rights and responsibilities may change as you approach the shore and may God Almighty grant you pleasant sailing. 51118
