

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DAVID THOMPSON, as owner of the
1994 Sea Ray Express 44, HIN
#SERP2089G394, for exoneration from
or limitation of liability,

Petitioner,

v.

Case No: 2:17-cv-370-FtM-38CM

ACE AMERICAN INSURANCE
COMPANY,

Respondent.

ORDER OF EXONERATION¹

This matter comes before the Court on Petitioner's Motion to Re-Open Case, Vacate Judgment and Enter Order of Exoneration ([Doc. 54](#)) filed on February 2, 2018. On January 30, 2018, the Court entered an Order dismissing this case with prejudice due to the stipulated dismissal of the sole claim brought against Petitioner by Ace American Insurance Company, directing that Judgment be entered. (Doc. 50). The Clerk entered a Judgment on January 31, 2018, dismissing this case with prejudice. ([Doc. 52](#)). Petitioner David Thompson now moves to alter the Judgment to include an order of exoneration in his favor because the Court's dismissal and entry of judgment does not provide for the relief he sought in his original Petition ([Doc. 1](#)).

This is a statutory proceeding brought in admiralty by Petitioner as titled owner of a 1994 Sea Ray Express 44, HIN #SERP2089G394, claiming the right to exoneration or

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limitation of liability from all claims arising out of a fire aboard the vessel while it was docked in Fort Myers, Florida. Ace American Insurance Company was the only claimant to have filed a claim in the case. As there are no remaining claims and the sole claim against Petitioner has been dismissed, the Court finds that the request is due to be granted, but this case will remain dismissed with prejudice and the Judgment will be amended to include this Order of Exoneration.

Accordingly, it is now

ORDERED:


(1) Petitioner's Motion to Re-Open Case, Vacate Judgment and Enter Order of Exoneration ([Doc. 54](#)) is **GRANTED**.

(2) Petitioner David Thompson, for himself and as owner of a 1994 Sea Ray Express, HIN# SERP2089G394, her engines, tackle, and appurtenances, etc., is not liable to any extent, but is exonerated from any responsibility, loss, damage, or injury, for any and all claims in any way arising out of the incident described in the Verified Petition for Exoneration from or Limitation of Liability.

(3) The previous Judgment ([Doc. 52](#)) is **VACATED**. The Clerk is directed to make a notation on the docket that the Judgment ([Doc. 52](#)) is vacated and re-open this case for the sole purpose of entering an Amended Judgment.

(4) The Clerk is further directed to enter an Amended Judgment dismissing this case with prejudice, attaching this Order of Exoneration to the Amended Judgment. Thereafter, the Clerk shall re-close the case.

DONE and **ORDERED** in Fort Myers, Florida this 2nd day of February, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record