

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

IN THE MATTER OF
DANNY FARMER as owner
of a 2002 Seventeen-foot seven inch
Scout Boat, HIN No. SLPL1397E202,
and SAMUEL FARMER, as operator,
FOR EXONERATION FROM OR
LIMITATION OF LIABILITY

Case No: 6:18-cv-131-Orl-18TBS

ORDER

Pending before the Court is Petitioners' Consent Motion to Close Period for Filing of Claims and Default All Non-Appearing Potential Claimants (Doc. 15). On January 25, 2018, Petitioners Danny Farmer and Samuel Farmer, owner and operator respectively of the vessel described as a 2002 seventeen-foot seven-inch Scout Boat, HIN No. SLP1397E202, Florida Registration Number FL2878LX (the "Vessel"), filed their Verified Complaint for Exoneration from or Limitation of Liability, pursuant to 46 U.S.C. § 30501 *et seq.*, and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims, for any damages or injuries to Caitlyn Ann Clark caused by or resulting from an incident that occurred on June 6, 2017 on the Halifax River, navigable waters in Volusia County (Doc. 1). Under 46 U.S.C. § 30505, a vessel owner may limit his or her liability resulting from a maritime accident to the value of the owner's interest in the vessel and its pending freight for "any loss, damage, or injury by collision" occurring "without the privity or knowledge of the owner." 46 U.S.C. § 30505(a)-(b).

On January 25, 2018, Petitioner filed an Affidavit of Value and a Letter of Undertaking in the amount of \$7,660.00, representing the value of the Vessel, plus

interest and costs (Docs. 2 and 3). On the same date, Plaintiff filed a Motion for Entry of Order Enjoining Suit and Directing Clerk to Issue Notice of Action and to Accept Letter of Undertaking (Doc. No. 3). On February 1, 2018, the Court approved the Letter of Undertaking, granted the motion to enjoin suit, and issued the notice of action (Doc. 5). The Court directed: “All persons having such claims must file them, as provided in Supplemental Rule F (5) of the Federal Rules of Civil Procedure with the Clerk of this Court . . . **on or before March 19, 2018** or be defaulted. If any claimant desires to contest either the Petitioners’ right to exoneration from liability or the right to limitation of liability, such claimant shall file and serve on Petitioners’ attorney an answer to the complaint, so designated, or be defaulted.” (Doc. 5 at 3).

Pursuant to Supplemental Rule F(4) and the Order, Plaintiffs published the Legal Notice in the Orlando Sentinel, a newspaper of general circulation published in Orange County, Florida, and The News-Journal, a newspaper published in Volusia County, Florida, once a week for four consecutive weeks (Docs. 12, 13). The Legal Notice required all claimants to file their claims to the Complaint by March 19, 2018.

To the extent the motion seeks an order “closing out the time period for the filing of claims in this action,” it is **DENIED as moot**. The deadline for the filing of claims was established by prior Order (Doc. 5), and the Court has already found that “[t]he deadline has passed, and only Claimant Caitlyn Ann Clark has filed an answer and claim.” (Doc. 14).

On February 21, 2018, Caitlin Ann Clark appeared through counsel and timely filed her Answer to Verified Complaint, Affirmative Defenses, and Claims (Doc. 10). To date, Ms. Clark is the only person who has filed a claim in this case. No additional persons or

parties have appeared, made claims, or otherwise answered the Complaint, and the time for such claims to be made has passed. See Order at Doc. 14.

To the extent the motion seeks entry of default against any non-filing would be claimants, it is **GRANTED**. The Clerk is directed to enter a default against all persons and entities, except Caitlin Ann Clark, claiming any loss, damage, injury, death or destruction caused by or resulting from the incident set forth in the Verified Complaint for Exoneration From or Limitation of Liability (Doc. 1).

DONE and **ORDERED** in Orlando, Florida on April 4, 2018.



THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to Counsel of Record