

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IN THE MATTER OF THE:
COMPLAINT OF GODFREY A.
ROCKEFELLER, JR. AS OWNER OF
THE M/Y *SPIRIT*, A 2008 29R, BEARING
HULL IDENTIFICATION NUMBER
THC29152C708, HER ENGINES, TACKLE,
APPAREL AND APPURTENANCES, FOR
EXONERATION FROM OR LIMITATION
OF LIABILITY

Case No: 2:18-cv-591-FtM-38MRM

OPINION AND ORDER¹

Before the Court is Petitioner Godfrey A. Rockefeller, Jr.'s Motion for Default Judgment Against Non Filing Claimants ([Doc. 27](#)).

This is an admiralty action. Rockefeller is the owner of a 2008 Hinckley 29R motor yacht that collided with a commercial sight-seeing boat named "*Tropic Star*." Rockefeller filed this action to exonerate or limit his liability from damages caused by the collision. ([Doc. 1](#)).

In an action to exonerate or limit liability from claims arising out of maritime accidents, there are strict deadlines for providing notice and filing claims. Under the Supplemental Rules for Admiralty or Maritime Claims,

the court shall issue a notice to all persons asserting claims with respect to which the complaint seeks limitation, admonishing them to file their

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respective claims with the clerk of the court and to serve on the attorneys for the plaintiff a copy thereof on or before a date to be named in the notice. The date so fixed shall not be less than 30 days after issuance of the notice. For cause shown, the court may enlarge the time within which claims may be filed. The notice shall be published in such newspaper or newspapers as the court may direct once a week for four successive weeks prior to the date fixed for the filing of claims. The plaintiff not later than the day of second publication shall also mail a copy of the notice to every person known to have made any claim against the vessel or the plaintiff arising out of the voyage or trip on which the claims sought to be limited arose. In cases involving death a copy of such notice shall be mailed to the decedent at the decedent's last known address, and also to any person who shall be known to have made any claim on account of such death.

[Supp. Adm. R. F\(4\)](#). Once such notice has been given, all claims “must be filed or served on or before the date specified in the notice provided...” [Supp. Adm. R. F\(5\)](#). And “[i]f a claimant desires to contest either the right to exoneration from or the right to limitation of the liability the claimant shall file and serve an answer to the complaint unless the claim has included an answer.” *Id.*

The Court set a deadline of November 2, 2018, for filing a claim. ([Doc. 9](#)). Glenda Jordan, a passenger on the *Tropic Star*, filed the sole claim in this case, which the parties settled. ([Doc. 19](#); [Doc. 24](#)). Rockefeller sought and received a clerk’s default against all potential claimants who failed to timely file a claim. ([Doc. 22](#); [Doc. 25](#); [Doc. 26](#)). He now seeks the entry of a default judgment against those same individuals and entities. Because Rockefeller has satisfied the requisite conditions for securing such relief, the Court finds good cause to grant it.

Accordingly, it is now

ORDERED:

Petitioner Godfrey A. Rockefeller, Jr.'s Motion for Default Judgment Against Non Filing Claimants ([Doc. 27](#)) is **GRANTED**.

(1) The Clerk is **DIRECTED** to enter default judgment in favor of Godfrey A. Rockefeller, Jr., as owner of the M/Y *Spirit*, a 2008 Hinckley 29R, bearing Hull No. THC29152C708, her engines, tackle, apparel, and appurtenances, against all Claimants who have not timely filed claims or answers in response to Rockefeller's Verified Complaint for Exoneration from or Limitation of Liability ([Doc. 1](#)).

(2) The Clerk is further **DIRECTED** to terminate all pending motions and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 25th day of February, 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record