

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IN RE: A 20 FOOT STARCRAFT

FREEDOM MARINE SALES, LLC,
FREEDOM BOAT CLUB, LLC and
PATRICIA HICKEY, as owner

Case No: 2:18-cv-620-FtM-38CM

**ORDER APPROVING *AD INTERIM* STIPULATION, NOTICE OF MONITION
AND INJUNCTION**

This matter comes before the Court upon review of the Motion to Approve *Ad Interim* Stipulation and Enter Monition and Injunction filed on September 14, 2018.

Doc. 2. A Complaint has been filed herein by Petitioners Freedom Marine Sales, LLC, as owner, and Freedom Boat Club, LLC and Patricia Hickey, as the owners *pro hac vice*, of the 2016 20' Starcraft (hull identification number STR39833G516) (the "Vessel"). Doc. 1. Petitioners are claiming the benefits of exoneration from or limitation of liability as provided for in the Act of Congress embodied in 46 U.S.C. § 30501, *et seq.*, together with all statutes supplementary thereof, and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure. *See* Doc. 1 at 1, 3; Doc. 2 at 1-2. Petitioners also are contesting liability independently of the limitation of liability claim under said Act for any loss, damage, personal injuries or destruction of property or other occurrences arising from the incident described in said Complaint, which occurred on or about July 8, 2016 on the navigable waters of the United States in and around Fort Myers, Lee County,

Florida. *See* Doc. 1 at 3; Doc. 2 at 1-2. Petitioners' Complaint also states the facts and circumstances on which such exoneration from or limitation of liability is claimed; and on hearing counsel for Petitioners and on considering the Complaint, and considering Petitioners are able and willing to make such increases or decreases in the *Ad Interim* Stipulation, together with adequate surety as the Court may from time to time require and the value of Petitioners' interest in the Vessel can be more definitely ascertained, the Court finds that an *Ad Interim* Stipulation in the amount of \$21,864.00 fully covers the value of Petitioner's interest in the Vessel, together with her engines, tackles, appurtenances, etc. *See generally* Docs. 1-3.

ACCORDINGLY, it is

ORDERED:

1. The Motion to Approve *Ad Interim* Stipulation and Enter Monition and Injunction (Doc. 2) is **GRANTED**.

2. The *Ad Interim* Stipulation filed by Petitioners (Doc. 3), which represents the value of Petitioners' interest in the Vessel and her pending freight, as fixed by the Court herein in the amount of \$21,864.00, with Petitioners being subject to such increases in the amount of such *Ad Interim* Stipulation, together with adequate surety, as the Court may from time to time order according to the rules and practices of this Court, be and is **APPROVED**.

3. If the amount of said *Ad Interim* Stipulation is not contested by any Claimant herein, said *Ad Interim* Stipulation shall stand as a stipulation for the value and an appraisal by a Commissioner will not be required.

4. The Monition and Injunction issue out of and under seal of this Court against all persons or corporations asserting claims for any and all losses, damages, injuries or destruction allegedly as a result of the occurrences and happening recited in the Complaint, to file their respective claims with the Clerk, United States District Court for the Middle District of Florida, 2110 First Street, Fort Myers, Florida 33901, on or before **November 16, 2018**, and serve Petitioners' attorneys, Hamilton, Miller & Birthisel, LLP, 100 S. Ashley Drive, Suite 1210, Tampa, Florida 33602, a copy thereof, or be defaulted. If any claimant desires to contest Petitioners' right to exoneration from or limitation of liability, Claimant shall file and serve on Petitioners' attorneys an answer to the Complaint, on or before said date, unless the claim included an answer to the Complaint so designated, or be defaulted.

5. The public notice of said Monition be given by publication as required by Rule F, once a week for four successive weeks in the *News-Press* prior to the date fixed for filing of claims in accordance with Supplemental Rule F, and not later than the second weekly publication, a copy of said notice be mailed by Petitioners to every person or corporation known to have a claim against Petitioners arising out of the incident set forth in the Complaint.

6. The commencement or further prosecution of any action or proceeding against Petitioners, the Vessel or any other property of Petitioners with respect to any claims for which Petitioners seek exoneration from or limitation of liability herein, including any claim arising out of or incident to or connected with any loss, damage, injury or destruction, more fully described in the Complaint, is hereby

STAYED, ENJOINED AND RESTRAINED until the final determination of this action.

7. The service of this Order as a restraining order may be made by mailing a conformed copy of it to the person or persons to be restrained, or to their respective attorneys, or alternatively, by hand delivery.

DONE and **ORDERED** in Fort Myers, Florida on this 28th day of September, 2018.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record