

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

IN THE MATTER OF:

THE PETITION OF ALAIN SUURKASK,  
AS THE OWNER OF A 2018 11ft YAMAHA  
VX CRUISER HO MOTOR VESSEL FOR  
EXONERATION FROM OR LIMITATION  
OF LIABILITY

CASE NO. 8:19-cv-01474

Petitioner,

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

A Complaint having been filed herein by Petitioner, ALAIN T. SUURKASK, as owner of the 2018 11ft Yamaha VX Cruiser HO motor vessel (the "Vessel"), 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, and also 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 1, 2018 on the navigable waters of the United States, in and around Boat Ramp B in Bayport Park in Hernando County, Florida, and which connects to the Weeki Wachee River, and said Complaint also stating the facts and circumstances on which such exoneration from or limitation of liability is claimed; and on hearing counsel for Petitioner and on considering the Complaint which is filed herein 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 Petitioner's interest in the Vessel can be more definitely ascertained, the Court finds that an *Ad Interim* Stipulation in the amount of \$11,299.00 in the form of a surety bond, in addition to interest at the rate of six percent (6%) per annum and court costs is adequate to fully cover the value of Petitioners' interest in the Vessel, and pending freight, together with her engines, tackle, appurtenances, etc.

Accordingly, it is hereby:

**ORDERED** that the *Ad Interim* Stipulation filed by Petitioners herein which represents the value of Petitioners' interest in the Vessel and her pending freight, which was zero, at the termination of its subject voyage totals \$11,299.00; bringing the total limitation fund to \$11,299.00, together with costs and interest at a rate of six percent (6%) per annum, with Petitioner 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, it is hereby **APPROVED**. It is further

**ORDERED** that any party, including Petitioner, may apply to have the amount of said *Ad Interim* Stipulation increased on the filing of the report of the Commissioner appointed, if any, to appraise the amount or value of Petitioner's interest in the Vessel or upon the ultimate determination by the Court on exceptions to the Commissioner's report, if any; and it is further **ORDERED** that 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 value and an appraisal by a Commissioner will not be required. It is further

**ORDERED AND ADJUDGED** that the Notice of Monition filed herein by Petitioners, which advises and admonishes all persons or corporations asserting claims for any and all losses, damages, injuries, deaths, or destruction allegedly as a result of the occurrences and happenings

recited in the Complaint, to file their respective claims with the Clerk, United States District Court for the Middle District of Florida, Tampa Division, 801 North Florida Avenue Tampa, Florida 33602, on or before **August 23, 2019**, and serve on Petitioners' attorneys, Jacqueline L. Goldman, Esq., Goldman & Hellman, 8751 W. Broward Boulevard, Suite 404, Fort Lauderdale, Florida 33324, a copy thereof, or be defaulted and 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 said claim included an answer to the Complaint so designated, or be defaulted, be and is hereby **APPROVED**; it is further

**ORDERED AND ADJUDGED** that the aforesaid Notice of Monition, in the form required by Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, shall be published in accordance with Rule F, Supplemental Rules for Certain Admiralty and Maritime Claims and Local Admiralty Rules 7.01 and 7.06, and that Petitioner's Notice of Monition shall stand as if it were issued out of and under the seal of this Court; It is further

**ORDERED AND ADJUDGED** that the commencement or further prosecution of any action or proceeding against Petitioner, the Vessel or any other property of Petitioners with respect to any claims for which Petitioner seek exoneration from or limitation of liability herein, including any claim arising out of or incident to or connected with any loss, damage, injury, death or destruction, more fully described in the Complaint, be and the same is hereby restrained, stayed and enjoined until the hearing and determination of this action. It is further

**ORDERED AND ADJUDGED** that 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.

**IT IS FINALLY ORDERED AND ADJUDGED** that Petitioner, no later than the second day of publication of the notice ordered herein, shall mail a copy of the notice to every person or entity known to have made a claim against Petitioner or the Vessel arising out of the incident more fully described in the Complaint.

**DONE AND ORDERED** in Tampa, Florida, on this 1<sup>st</sup> day of July  
2019.

  
UNITED STATES DISTRICT JUDGE  
Magistrate