

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

**BRIAN LEONOVICZ,**

v.

Case Nos. 2:22-cv-219-SPC-NPM  
2:22-cv-263-SPC-NPM  
IN ADMIRALTY

**MID-ISLAND WATER SPORTS, INC.,**

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**REPORT AND RECOMMENDATION**

A fatal collision occurred between a rented jet ski and a boat. In parallel proceedings, Brian Leonovicz, the operator of the boat, and Mid-Island Water Sports, the owner of the jet ski, sought exoneration from or limitation of liability. In both actions the court approved the interim security and directed notice to all potential claimants. And in both actions plaintiffs filed proof of publication. Plaintiffs also filed proof of mailing a copy of each notice 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." *See* Supplemental Rule F(4). The deadline for receipt of claims and answers in each action has expired, and only Leonovicz and Mid-Island assert mirror contribution and indemnity claims. The parties move for default judgment.

Because the parties bring only contribution and indemnity claims and no other claimants answered (namely the decedents' estates), the court should enter default

judgment of exoneration from any liability in favor of each plaintiff in their respective actions, dismiss as moot the claims asserted against each other, and direct the clerk to close each case.

Recommended on November 10, 2022.

  
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NICHOLAS P. MIZELL  
UNITED STATES MAGISTRATE JUDGE

### NOTICE TO PARTIES

A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. A party's failure to file written objections "waives the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions." *See* 11th Cir. R. 3-1. **To expedite resolution, parties may file a joint notice waiving the 14-day objection period.**