

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

PARASAILING, INC.,

Plaintiff,

v.

Case No. 2:22-cv-503-SPC-NPM
IN ADMIRALTY

UNKNOWN CLAIMANTS,

Defendant.

REPORT AND RECOMMENDATION

This action concerns a parasailing incident that occurred on or about February 20, 2022, near Fort Myers Beach, Florida. In August 2022, Plaintiff Parasailing, Inc. filed a complaint for exoneration from or limitation of liability. Thereafter, the court approved the interim security and directed notice to all potential claimants. And on pain of default, the court directed all potential claimants to file their claims or answers by November 7, 2022. (Doc. 10). After service by mail, known claimants Kathy Whitty and Kari Boling have settled their claims against Parasailing, Inc. (Doc. 15). But no other claimants have answered.

The deadline for receipt of claims and answers has expired. Consequently, unknown claimants have been declared in default. (Doc. 17). And by defaulting for failing to answer, all unknown claimants admit that Parasailing, Inc. is entitled to exoneration. Fed. R. Civ. P. 8(b)(6) (“An allegation—other than one relating to the

amount of damages—is admitted if a responsive pleading is required and the allegation is not denied.”).

Plaintiff has complied with the Civil Rules, the Supplemental Rules, and the court’s Admiralty and Maritime Practice Manual. Accordingly, the motion for default judgment (Doc. 18) should be granted and the clerk should be directed to enter a default judgment of exoneration in favor of Parasailing, Inc. against all potential claimants except Kathy Whitty and Kari Boling.

Respectfully recommended on January 23, 2023.



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.**