

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

**MICHAEL H. FALK, JR.,**

Plaintiff

v.

2:23-cv-1017-JLB-NPM

**STEVEN ALLEN,**

Defendant/Claimant.

---

**ORDER**

This action concerns an incident that occurred on or about March 21, 2023, in the vicinity of Cochran Pass on the navigable waters of Lake Okeechobee in Glades County, Florida. In November of 2023, plaintiff Michael H. Falk, Jr. 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 February 2, 2024. (Doc. 7).

The deadline for receipt of claims and answers expired and only Steven Allen answered. (Doc. 9). Consequently, non-appearing potential claimants have been declared in default. (Doc. 23). And by defaulting for failing to answer, all non-appearing claimants admit that plaintiff 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, plaintiff’s motion for default judgment (Doc. 30) is granted, and the clerk is directed to enter a default judgment of exoneration in favor of plaintiff against all non-appearing claimants.

**ORDERED** on May 17, 2024.



---

NICHOLAS P. MIZELL

United States Magistrate Judge