

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

**DONALD DEUBLER,**

Plaintiff,

v.

2:23-cv-1098-JES-NPM  
IN ADMIRALTY

**UNKNOWN CLAIMANTS,**

Defendants.

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**ORDER APPROVING LETTER OF UNDERTAKING  
AND DIRECTING NOTICE**

As the owner of a 2021 32' Boston Whaler 320 Vantage Vessel, Hull ID# BWCE0390G021 (the "vessel"), and with respect to any claims against him or his property arising from or relating to the operation of the vessel, on or about May 21, 2023, on the navigable waters of the United States in Naples Bay near Naples, Florida, plaintiff<sup>1</sup> Donald Deubler has provided a letter of undertaking as interim security for the benefit of claimants. (Doc. 1-1). Upon approval of the security, Deubler requests an order approving notice to all potential claimants and directing them to file their claims and any answers to the complaint in this action by a date certain. Deubler also requests an injunction that enjoins the further prosecution of

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<sup>1</sup> A party seeking exoneration from or limitation of liability in admiralty files a complaint and thereby commences a civil action as a plaintiff. *See* Supplemental Rule F. In orders, notices, pleadings, and other papers in this action, Donald Deubler should therefore be referred to as "plaintiff" rather than "petitioner."

any action or proceeding against him or his property with respect to any claim subject to limitation in this action. Deubler's motion (Doc. 9) is **GRANTED IN PART**.

Deubler has deposited with the court a letter of undertaking by ACE American Insurance Company, as surety, as security for the benefit of claimants in the amount of \$386,158 as required by the rules of this court and by the law. The letter of undertaking is accepted as interim security for the benefit of claimants. Deubler and any claimant who becomes a party to this action may contest the value of Deubler's interest in the vessel or the interim security according to applicable law. If the amount in the letter of undertaking is not contested by any claimant herein, said amount shall stand as a stipulation for value and an appraisal will not be required.

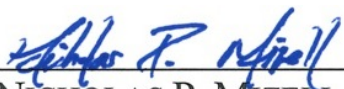
Because the letter of undertaking constitutes approved security, "all claims and proceedings against the owner related to the matter in question shall cease." 46 U.S.C. § 30511(c). If, despite this automatic stay provide by statute, any claimant continues to prosecute any other action or proceeding against Deubler or his property with respect to any claim subject to limitation in this action, then Deubler may apply for, and the court must grant, an injunction enjoining further prosecution. *See* Supplemental Rule F(3).

By **May 7, 2024**, all persons or entities claiming damage for any and all

loss, destruction, damage, injuries, and/or death allegedly as a result of the occurrences and happenings recited in the amended complaint must file their respective claims with the clerk of this court and serve on or mail to Deubler's counsel copies thereof. By the same date, all persons or entities presenting claims and desiring to contest the allegations of the amended complaint must file an answer to the amended complaint in this court and must serve on or mail to Deubler's counsel copies thereof or be defaulted. The **clerk** is directed to issue the attached notice.

By **June 4, 2024**, Deubler must certify compliance with the notice provisions of Supplemental Rule F(4), which must include notice by publication in a newspaper of general circulation in Collier County. By **June 7, 2024**, Deubler must certify compliance with the provisions of Supplemental Rule F(6).

**ORDERED** on March 12, 2024.

  
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NICHOLAS P. MIZELL  
United States Magistrate Judge