

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**DAVID BRIER, As titled owner of and
for a 2022 Hurricane 185 Sundeck Sport**

Petitioner

Case No: 6:24-cv-268-ACC-DCI

**ORDER APPROVING AD INTERIM STIPULATION, DIRECTING ISSUANCE OF NOTICE
AND RESTRAINING PROSECUTION OF CLAIMS**

A Petition having been filed herein on February 6, 2024 by David Brier as owner of a 2022 Hurricane 185 Sundeck Sport, hull identification number GDY64561L122 (the vessel), for Exoneration from or Limitation of Liability pursuant to § 30501 *et seq.* of Title 46 United States Code, Supplemental Rule F and Local Admiralty Rule F, for all losses, damages, injuries, deaths, or destruction allegedly resulting from the incident that occurred on or about August 6, 2023 referred to in the Petition.

And Petitioner having deposited with the Court as security for the benefit of claimants, an Ad Interim Stipulation with surety not less than or equal to the amount or value of his interest in the vessel and pending freight, if any, as required by the rules of this Court and the law (Doc. 2),¹

IT IS ORDERED AND ADJUDGED that the Ad Interim Stipulation for the value of Petitioner's interest in the vessel in the principal amount of Zero Dollars and Zero Cents (\$0.00), filed herein by Petitioner, be accepted as Ad Interim Stipulation for the purpose of this Limitation of Liability proceeding and that it be approved as to form and quantum;

¹ See *In Re: Petition of Paradise Enterprises Inc.*, 2:18-cv-527-FtM-99MRM (M.D. Fla. Aug. 6, 2018) (approving a similar surety).

IT IS FURTHER ORDERED AND ADJUDGED that Petitioner and any claimant who may properly become a party hereto may contest the amount of value of Petitioner's interest in the vessel and pending freight, if any, as fixed in said Ad Interim Stipulation, and may move the Court for due appraisal of said interest and may apply to have the amount of said stipulation increased or decreased, as the case may be, on the determination by the Court of the amount or value of said interest or to carry out the provisions of 46 U.S.C. § 30501 *et seq.* for personal injuries, property damage, or any claims resulting from the incident that occurred on August 6, 2023, referred to in the Petition;

IT IS FURTHER ORDERED AND ADJUDGED THAT A NOTICE SHALL BE ISSUED BY THE Clerk of this Court advising and admonishing all persons asserting claims for any and all losses, damages, injuries, deaths, or destruction allegedly as a result of the occurrences and happenings recited in the Petition, to file their respective claims with the Clerk, United States District Courthouse for the Middle District of Florida located at 401 West Central Blvd., Orlando, Florida 32801 and serve on or mail copies thereof to the Petitioner's attorney, JULES VICTOR MASSEE, ESQUIRE, HAMILTON MILLER & BIRTHISEL, LLP, 100 South Ashley Drive, Suite 1210, Tampa, Florida 33602, on or before April 8, 2024, or be defaulted and if any claimant desires to contest Petitioner's right to exoneration from or limitation of liability, Claimant(s) shall file and serve on Petitioner's attorney an answer to the Petition, on or before said date, unless his their claim has included an answer to the Petition designation, or be defaulted;

IT IS FURTHER ORDERED AND ADJUDGED that publication of the aforesaid notice in the form required by Rule F of the Supplemental Rules for Certain Admiralty Claims of the Federal Rules of Civil Procedures be published in a newspaper of general circulation² in the

² Local Rule 7.01(g) provides that a newspaper of largest circulation in a county in the Middle District is rebuttably presumed to be a newspaper of general circulation in that same county.

Seminole County area once a week for four (4) successive weeks prior to the date fixed for the filing of claims in accordance with Supplemental Rule F;

IT IS FURTHER ORDERED AND ADJUDGED that the commencement or further prosecution of any action or proceeding against Petitioner, the vessel or other property of Petitioner with respect to any claims for which Petitioner seeks 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 Petition, 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 their respective attorneys, or alternatively, by hand delivery;

IT IS FURTHER 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 Petition;

IT IS FURTHER ORDERED AND ADJUDGED that based on the foregoing, Petitioner's Motion to Approve Ad Interim Stipulation and Enter Monition and Injunction (Doc. 3) is **GRANTED**.

DONE AND ORDERED in Orlando, Florida on February 13, 2024.



DANIEL C. IRICK
UNITED STATES MAGISTRATE JUDGE