

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN THE MATTER OF THE
COMPLAINT OF JAMES ROBERT
BOSTWICK, AS OWNER, and
ARISTAKAT CHARTERS, LLC, AS
OWNER PRO HAC VICE, OF A 2002
PROKAT 2860 MOTOR VESSEL,
HIN # WJIP0084E202, FLORIDA
VESSEL REGISTRATION
NUMBER 85944065, FOR
EXONERATION FROM OR
LIMITATION OF LIABILITY,

Case No. 8:24-cv-2708-VMC-SPF

_____ /

ORDER

Before the Court is the Petitioners' Motion for Order Approving Ad Interim Stipulation for Value, for Notice to Claimants and for Order on Monition and Injunction. (Doc. # 7). For the reasons discussed below, the Motion is granted as described herein.

Discussion

Petitioners James Robert Bostwick and Aristakat Charters, LLC are the owners of a 2002 ProKat 2860 Motor Vessel bearing HIN# WJIP0084E202 ("the Vessel"), which was involved in a maritime incident on or about May 24, 2024, while the Vessel was on the navigable waters of the United States, namely, in Venice, Sarasota County, Florida, ("the Incident"). (Doc. # 1 at 2). The Incident occurred when a

passenger passed away subsequent to a scuba diving excursion. (Id.).

On November 20, 2024, the Petitioners filed a complaint seeking to minimize, if not eliminate altogether, their exposure to any liability arising from the Incident pursuant to the Limitation of Liability Act, 46 U.S.C. §§ 30501-30512, and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure (Supplemental Rule F). (Id.).

Subsequently upon filing their complaint, the Petitioners submitted the instant Motion, along with an Ad Interim Stipulation of Value (Doc. # 6), as security for any claims stemming from the Incident. The Petitioners represent in the Declaration of Value that the post-loss value of the Vessel is \$39,500. (Doc. # 6-1). Based on this representation, the Petitioners request in their Motion that the Court (1) approve the security; (2) issue a monition to all potential claimants; and (3) impose an injunction under Supplemental Rule F precluding the further prosecution of any proceedings against the Petitioners arising from any claims subject to limitation. (Doc. # 7).

Upon due consideration of the matter, it is hereby **ORDERED:**

1. The Ad Interim Stipulation of Value, in the amount of \$39,500, filed by the Petitioners, is accepted as adequate security and is approved as to form and quantum.

2. The Petitioners and any claimant who may properly become a party hereto may contest the amount or value of the Petitioners' interest in the Vessel as fixed in the Ad Interim Stipulation of Value; may move the Court for due appraisal of said interest; and may apply to have the amount of said interest increased or decreased, as the case may be, upon the Court's determination of the amount or value of said interest or to carry out the provisions of 46 U.S.C. §§ 30501-30512 for personal injuries, property damage, or any other claims resulting from the Incident.

3. If the amount of the Ad Interim Stipulation of Value is not disputed by any claimant, the Ad Interim Stipulation of Value shall stand as a stipulation for value and an appraisal shall not be required.

4. The Clerk of Court shall issue the attached Monition advising and admonishing all persons or corporations asserting claims for any and all losses, damages, injuries, deaths, or destruction allegedly resulting from the Incident, to file their respective claims with the Clerk of Court, United States District Court for the Middle District of

Florida, located at 801 North Florida Avenue, Tampa, Florida 33602 on or before April 7, 2025, and to serve or mail copies thereof to the Petitioner's attorneys, Adam B. Cooke and J. Michael Pennekamp, Fowler White Burnett, P.A., 1395 Brickell Avenue, Miami, Florida, 33131, or be defaulted. If any claimant desires to contest the Petitioners' right to exoneration from or limitation of liability, such claimant(s) shall file and serve on the Petitioners' counsel an answer to the complaint on or before said date, unless his/her claim has included an answer to the complaint so designated, or be defaulted.

5. The Notice of Monition in the form required by Supplemental Rule F and the Admiralty and Maritime Practices Manual shall be published in a newspaper of general circulation in the appropriate county or counties once a week for four (4) consecutive weeks prior to the date fixed for the filing of claims in accordance with Supplemental Rule F and the Admiralty and Maritime Practice Manual.


6. No later than the date of the second weekly publication, the Petitioner shall mail a copy of said notice to every person or corporation known by the Petitioners to have a claim against them arising out of the Incident set forth in the complaint. In addition, the Petitioners shall

mail said notice to any 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.

7. The commencement or further prosecution of any action or proceeding against the Petitioners, the Vessel, or other property of the Petitioners with respect to any claims for which the Petitioners seek 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 complaint, be and the same is hereby restrained, stayed, and enjoined until the hearing and determination of this action.

8. Service of this Order as a restraining order in this District may be made in the usual manner as in any other federal district by the United States Marshal's delivery of a certified copy of this Order on the person(s) to be restrained or to their respective attorney(s), or – alternatively – by mailing a conformed copy of the Order to the person(s) to be restrained or to their respective counsel.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 15th day of January, 2025.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN THE MATTER OF THE
COMPLAINT OF JAMES ROBERT
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VESSEL REGISTRATION
NUMBER 85944065, FOR
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Monition

TO THE UNITED STATES MARSHAL FOR THE UNITED STATES DISTRICT
COURT FOR THE MIDDLE DISTRICT OF FLORIDA:

WHEREAS, a complaint was filed in the United States District Court for the Middle District of Florida on November 20, 2024, by Petitioners James Robert Bostwick and Aristakat Charters, LLC for exoneration from or limitation of liability as owners of a 2002 ProKat 2860 Motor Vessel bearing HIN# WJIP0084E202 ("the Vessel"), with respect to losses, damages, and injuries occasioned by or occurring as a result of an incident which transpired on said Vessel on May 24, 2024, for the reasons mentioned in said Petition, and praying that a Monition be issued out of said Court citing all persons claiming damages by reason of the matters aforesaid to appear

before said Court and to make due proof of their respective claims and to answer the allegations of the Petition, and that if it shall appear that the Petitioners are liable for any such losses, damages, or injuries that the Petitioners' liability be limited to the amount or value of the Petitioners' interest in the Vessel immediately following the incident described in said Petition, and praying for other further relief; and

WHEREAS, Petitioners have caused to be deposited with the Clerk of Court an Ad Interim Stipulation for Value for the sum of \$39,500.00, and the Court having directed by an Order entered herein that a Monition be issued against all persons or corporations claiming damages for any losses, destruction, injuries, or death arising out of the incident described in the said Petition, citing them to file their respective claims with the Clerk of Court and to serve on or mail to attorneys for the Petitioners a copy thereof on or before April 7, 2025.

YOU ARE THEREFORE COMMANDED to cite all persons or corporations claiming damages for losses or injury arising out of said incident on May 24, 2024, to file their respective claims with the Clerk of Court and to serve on or mail to Adam B. Cooke and J. Michael Pennekamp, Fowler White Burnett,

P.A., 1395 Brickell Avenue, Miami, Florida, 33131, attorneys for the Petitioners, a copy thereof on or before April 7, 2025; and

YOU ARE ALSO COMMANDED to cite such claimants to appear and answer the Petition herein on or before the date last named or within such further time as the Court may grant, and to have and receive such further relief as may be due.

And what you have done in the premises, do you then make return to this Court together with this writ.

Dated this _____ day of _____ 2025.

United States District Court
Middle District Court of Florida
By Deputy Clerk