

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

IN THE MATTER OF THE
COMPLAINT OF HENRY MARINE
SERVICE, INC., AS OWNER AND
OPERATOR OF THE M/V JAMIE H

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CIVIL ACTION NO. 18-154

ORDER

WHEREAS, a Complaint having been filed herein on April, 3, 2018, by Henry Marine Service, Inc., as owner of the M/V JAMIE H (hereinafter referred to as "Petitioner"), for exoneration from or limitation of liability as provided for in 46 U.S.C. § 30501, *et seq.*, and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims, Federal Rules of Civil Procedure, for any and all loss of life, bodily injuries, property damage, and losses, damages, injuries and destruction of any kind done or occasioned during the voyage of the M/V JAMIE H, on or about October 7, 2017, as described in the Complaint, also stating the facts and circumstances upon which the said limitation of and/or exoneration from liability is claimed, and from which it appears that the value of the M/V JAMIE H and pending freight, if any, at the termination of the subject voyage did not exceed the sum ONE HUNDRED EIGHTY-FIVE THOUSAND AND NO/100 DOLLARS (\$185,000.00) and it appearing that claims have been and/or may be made against Petitioner for losses, damages, injuries, death or destruction alleged to have incurred in consequence of events incurring during the voyage on which the vessel

was engaged; and an *Ad Interim* Stipulation having been filed for value, duly executed on April 3, 2018, on behalf of Henry Marine Service, Inc., in the sum of ONE HUNDRED EIGHTY-FIVE THOUSAND AND NO/100 DOLLARS (\$185,000.00), together with interest, at the applicable rate per annum, and costs, a copy of said *Ad Interim* Stipulation for Value being Appended hereto;

NOW, on motion for Petitioner herein;

IT IS ORDERED that the said *Ad Interim* Stipulation for Value be and the same is hereby approved as security pursuant to Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims, Federal Rules of Civil Procedure; and

IT IS FURTHER ORDERED that the said *Ad Interim* Stipulation for Value shall be without prejudice to the due appraisal of the value of the M/V JAMIE H under order of this Court, and that, upon such appraisal, and upon the determination by the Court of any exception thereto, any party may have leave to apply to have the amount of said *Ad Interim* Stipulation for Value increased or diminished, as the Court may direct; and

IT IS FURTHER ORDERED that the further prosecution of any pending actions, suits or legal proceedings in any court whatsoever, and the institution and prosecution of any suits, actions or legal proceedings of any nature and description whatsoever in any court, wheresoever, except in this proceeding for limitation of liability, against Petitioner, its controllers, underwriters, insurers, or the M/V JAMIE H, in respect of any claim arising out of or in connection with the voyage of the M/V JAMIE H on or about October 7, 2017, be and the same are hereby stayed

and restrained until the hearing and determination of this action, and all warrants of arrests issued in such other suits, actions or legal proceedings be and the same are hereby dissolved; and

IT IS FURTHER ORDERED that a Notice issue out of and under the seal of this Court to and against all persons or concerns claiming damages for any and all losses, damages, injuries, death or destruction arising out of the voyage on which the M/V JAMIE H was then engaged, admonishing them and each of them to appear and file their respective claims with the Clerk of this Court, and to serve on or mail to the Attorneys for Petitioner a copy thereof on or before the 8th day of June, 2018, and to make due proof of their claims, subject to the right of any such person or persons to controvert or question said claims, with liberty also, to any such claimants who have duly filed their claims to answer the Complaint therein and to file such answers on or before the date heretofore specified; and

IT IS FURTHER ORDERED that public notice of Petitioner's Complaint shall be given publication in *The Press-Register*, a newspaper of general circulation, published in Mobile, Alabama, and that such notice shall be published once a week for four successive weeks, prior to the date fixed therein, for the filing of claims; and

IT IS FURTHER ORDERED that not later than the date of the second publication of said notice, Petitioner shall cause to be mailed a copy of the said notice to every person or concern known to have made any claim that remains outstanding against the M/V JAMIE H, or against Petitioner, arising out of the voyage on which said vessel was engaged; and

IT IS FURTHER ORDERED that service of this Order may be made through the Post Office by mailing a conformed copy thereof to the person or persons to be restrained, or to their respective attorneys, or alternatively by hand.

DONE and ORDERED this 9th day of April, 2018.

/s/ Callie V. S. Granade
SENIOR UNITED STATES DISTRICT JUDGE