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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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IN THE MATTER OF:

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CIV. 13-8258-PCT-PGR

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Havasu Adventure Company, LLC,
As Bareboat Charterer and Owner Pro

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Hac Vice of the Vessel, Premier
Pontoon; and Walk in the Light, LLLC,

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ORDER

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as Registered Owner of the Vessel
Premier Pontoon, Model "Sun

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Country" Edition, AZ1641BP, Hull
PMY18580H900, Petitioning for

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Exoneration from or Limitation
Of Liability

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Before the Court is Havasu Adventure Company, LLC's ("Havasu Adventure") and

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Walk In The Light, LLC's ("Walk In The Light") (collectively "Petitioners") Amended

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Complaint for Exoneration from or Limitation of Liability ("Amended Complaint"), brought

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pursuant to the Limitation of Liability Act, 46 U.S.C. § 30501 *et seq.* The Limitation of

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Liability Act limits the liability of a shipowner for any loss incurred without the knowledge

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or privity of the owner, to the value of the vessel and its freight. *See* 46 U.S.C. § 30511. An

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"owner" includes a charterer that mans, supplies and navigates a vessel at the charterer's own

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expense or by the charterer's own procurement. *See* 46 U.S.C. § 30501. Pursuant to the

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statute, upon the Petitioners' filing of the Amended Complaint and its tender of a bond, the

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Court must enjoin all other proceedings against the Petitioners involving issues arising out

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of the subject matter of the Amended Complaint.

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"Under the Limitation of Liability Act and the Supplemental Rules, a federal district

1 court stays all related claims against a shipowner pending in any forum, and requires all
2 claimants to assert their claims in the limitation court. This accords with the federal courts'
3 exclusive jurisdiction of suits brought in maritime." *In the Matter of the Complaint of Santa*
4 *Fe Cruz, Inc.*, 535 F. Supp. 2d 853, 857–58 (S.D. Tex. 2007) (internal citations omitted).

5 Accordingly, Petitioners, having filed the Amended Complaint, and Walk In The
6 Light being registered owner, and Havasu Adventure being bareboat charterer and owner *pro*
7 *hac vice* of the vessel Premier Pontoon; Sun Country Edition; Year 2000; Hull ID #
8 PMY18580H900; BOW ASSIGN# AZ1641BP ("Vessel"), and said Vessel being the subject
9 of the Amended Complaint herein, and having advised the Court of the said Vessel's post-
10 incident value based upon the pleadings filed herein, and it appearing from the value filed
11 with the said Amended Complaint and the attachments thereto that the value of the said
12 vessel and its freight is \$8,675.00, based upon said Amended Complaint,

13 IT IS HEREBY ORDERED that the Letter of Undertaking from Markel American
14 Insurance Company to this Court of the sum of \$8,675.00, declared by the Petitioners to be
15 the value of the said Vessel and its freight, is hereby accepted by this Court as the security
16 for the amount or value of the said Vessel.

17 IT IS FURTHER ORDERED that any party or claimant, including the Rodericks, may
18 apply to have the amount of the said value increased or decreased as the case may be, upon
19 the filing of a properly noticed motion in this Court, consistent with the Federal Rules of
20 Civil Procedure and the Local Rules of this Court.

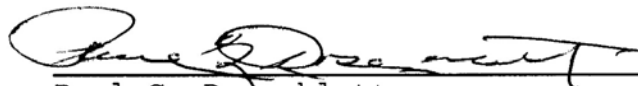
21 IT IS FURTHER ORDERED that this Order shall serve as a Monition and Injunction
22 of this Court against all persons or corporations claiming damage for any and all loss,
23 destruction, damage, injuries, and/or death caused by or resulting from the casualty set forth
24 in the Amended Complaint, citing them to file their respective claims with the Clerk of this
25 Court and to serve on or mail to the attorneys for Petitioners copies thereof on or before
26 January 31, 2014, and that all persons or corporations so presenting claims and desiring to
27 contest the allegations of the Amended Complaint shall file an Answer to the Amended
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1 Complaint in this Court, and shall serve on or mail to the attorneys for the Petitioners copies
2 thereof.

3 IT IS FURTHER ORDERED that Petitioners shall make a public notice of said
4 Monition to be given by publication for four successive weeks, before the return day of said
5 Monition and that a copy of said notice be mailed by the Petitioners to every person or
6 corporation known to have a claim against the Petitioners arising out of the incident set forth
7 in the Amended Complaint, including the Rodericks through their counsel.

8 IT IS FURTHER ORDERED that a copy of this Order be served by Petitioners on
9 Noreen and Scott Roderick, averred by Petitioners to be involved in the accident giving rise
10 to this action, on or before December 30, 2013.

11 DATED this 2nd day of December, 2013.

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14 Paul G. Rosenblatt
15 United States District Judge
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