

1 Rex M. Clack, Esq. (SBN 59237)
 2 rclack@sc-law.us
 3 David E. Russo, Esq. (SBN 112023)
 4 drusso@sc-law.us
 5 STERLING & CLACK
 6 A Professional Corporation
 7 601 Van Ness Avenue, Suite 2018
 8 San Francisco, California 94102
 9 Telephone: (415) 543-5300
 10 Facsimile: (415) 543-3335

11 Attorneys for Plaintiff
 12 GOLDEN GATE BRIDGE, HIGHWAY &
 13 TRANSPORTATION DISTRICT

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

17 In the Matter of the Complaint of)
 18 GOLDEN GATE BRIDGE, HIGHWAY &)
 19 TRANSPORTATION DISTRICT, as Owner)
 20 and Operator of the M/S SAN FRANCISCO,)
 21 Plaintiff,)
 22 For Exoneration From or Limitation of Liability.)

Case No. **CV 13 5875** JST

~~PROPOSED~~ ORDER DIRECTING
 ISSUANCE OF MONITION AND SPECIAL
 RESTRAINING ORDER

23 A complaint having been filed herein by GOLDEN GATE BRIDGE, HIGHWAY &
 24 TRANSPORTATION DISTRICT ("plaintiff"), as owner of that certain vessel, the M/S SAN
 25 FRANCISCO, built in or about 1974, with an approximate length of 165 feet, bearing Registration
 26 Number 586350 (hereinafter referred to as "the M/S SAN FRANCISCO"), seeking exoneration
 27 from or limitation of liability as provided for by statute, for all losses, damages, or injuries
 28 occasioned, sustained, or incurred upon, or in any manner arising out of a voyage of said vessel
 which occurred on or about February 16, 2013, while the M/S SAN FRANCISCO plied the
 navigable waters of San Francisco Bay.

1 It appearing from plaintiff's complaint that the value of the vessel after the incident does not
2 exceed \$309,680, and that claims have been and may be asserted against plaintiff for loss and
3 damage and that said claims are subject to limitation in the action now on file in this Court;

4 Now, upon application of the plaintiff herein,

5 IT IS HEREBY ORDERED that a Notice and Monition issue out of and under the seal of
6 this Court to and against all persons, concerns, or firms claiming damages for any and all losses,
7 damages, or injuries occasioned, sustained, or incurred upon, or in any manner arising out of or
8 consequent upon, said voyage of the M/S SAN FRANCISCO which occurred on February 16, 2013
9 while it plied the navigable waters of San Francisco Bay, and when a small boat collided with it
10 allegedly resulting in injuries and death of persons aboard said boat, admonishing them and each of
11 them to appear and file their respective claims with the Clerk of this Court on or before February
12 19, 2014 and to make due proof of their respective claims in such manner as may
13 hereinafter be directed by further order of this Court, subject to the right of any persons, concerns,
14 or firms to controvert or question said claims, with liberty also to any such claimants who have duly
15 filed their claims to answer the complaint herein and to file such answer with the Clerk of this Court
16 on or before the date specified above; and

17 IT IS FURTHER ORDERED that public notice of said monition pursuant to the Federal
18 Rules of Civil Procedure, Supplemental Rule F(4) for Admiralty and Maritime Claims, shall be
19 given by publication in a newspaper of general circulation in San Francisco, California published
20 once a week for four successive weeks prior to the date fixed herein for the filing of claims; and


21 IT IS FURTHER ORDERED that not later than the date of the second publication of said
22 notice, the plaintiff shall mail or cause to be mailed a copy of the said notice to every person, firm
23 or concern known to have made any claim against the plaintiff or the M/S SAN FRANCISCO
24 arising from the aforementioned voyage; and

25 IT IS FURTHER ORDERED that the institution and prosecution of any suits, actions, or
26 legal proceedings of any nature or description whatsoever in any court, except in this proceeding for
27 exoneration from or limitation of liability, against the plaintiff in respect of any claim or claims
28 arising out of, occasioned by, or in any way consequent upon the aforementioned voyage of the M/S

1 SAN FRANCISCO, or the incident in which it was involved, or otherwise subject to limitation in
2 this proceeding, be and the same are hereby enjoined, this special restraining order to remain in
3 effect until the determination of the action in this Court; and

4 IT IS FURTHER ORDERED that service of this Order as a restraining order shall be made
5 by delivering a certified copy of this to the person or persons to be restrained, or to their respective
6 attorneys or representatives.

7
8 IT IS ORDERED this 23rd day of December, 2013 at San Francisco, California.

9
10 
11 JUDGE OF THE U.S. DISTRICT COURT
12 For the Northern District of California
13 HON JON S. TIGAR
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28