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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of the Complaint of Heart of Sailing, Inc. as Owner of the Vessel, "The Nessie", for Exoneration From, or, Limitation of Liability.) Case No. 11-CV-2236-L-CAB))) REVISED ORDER RESTRAINING ALL SUITS, DIRECTING MONITION TO ISSUE, AND PUBLICATION OF NOTICE))) Judge: Hon. M. James Lorenz) Magistrate Judge: Hon. Cathy Ann Bencivengo)) Complaint Filed: September 26, 2011)
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A Complaint has been filed in the above captioned court by Plaintiff-in-limitation, Heart of Sailing, Inc. (hereinafter "Plaintiff-in-limitation"), as owner of the vessel known as "The Nessie" and bearing Hull Identification Number MACW0217F788 (hereinafter "The Nessie"), for exoneration from, or limitation of, liability, pursuant to the Limitation of Liability Act, 46 U.S.C. §30501 *et seq.*, and Rule F of the *Supplemental Rules for Certain Admiralty and Maritime Claims*, with respect to any and all injuries, losses, damages, or claims arising out of, resulting from, or in any manner connected with, the "Incident" of March 27, 2011, a boating accident which occurred on the navigable waters of San Diego Bay involving "The Nessie" as set forth and alleged in the Complaint.

Plaintiff-in-limitation has deposited with this Court, for the benefit of the claimants, the sum equivalent to its ownership interest in "The Nessie" in the amount of Five Thousand Dollars (\$5,000.00) and a deposit of Five Hundred Dollars (\$500.00), as security for court costs under Local Civil Rule F.1.

1 It appears that claims have been made, or will be made, against Plaintiff-in-limitation or “The
2 Nessie” for losses or damages arising out of, or in some manner connected with the matters set forth
3 in the Complaint.

4 The Court, on application of Plaintiff-in-limitation, now issues the following Orders:

5 1. Pursuant to Rule F(3) of the *Supplemental Rules for Certain Admiralty and Maritime*
6 *Claims*, except as filed in this proceeding, the commencement or prosecution of any and all suits,
7 actions or legal proceedings of any nature and description, presently ongoing or to be filed in the
8 future, against Plaintiff-in-limitation or “The Nessie” is enjoined and said proceedings are to be
9 stayed and restrained until the hearing and determination of this proceeding; and

10 2. Pursuant to Rule F(4) of the *Supplemental Rules for Certain Admiralty and Maritime*
11 *Claims*, a monition shall issue out of and under seal of this Court. All persons and entities asserting
12 any claim against Plaintiff-in-limitation or “The Nessie” for any loss, damage or injury arising out
13 of, resulting from, or in any manner connected with the matters set forth in the Complaint are
14 admonished to appear and file their respective claims and answer the allegations of the Complaint
15 with the Clerk of this Court at the United States Courthouse located at 880 Front Street, Suite 4290,
16 San Diego, California 92101, in writing, and to serve a copy thereof on the attorneys for Plaintiff-in-
17 limitation, on or before **November 28, 2011**, or be deemed in contumacy and default, and that when
18 all proceedings have been completed, if it shall appear that the Plaintiff-in-limitation is not liable for
19 any such loss or damage, it may be finally so decreed by this Court;

20 3. A notice which is substantially in the same form as the “Notice of Complaint for
21 Exoneration From, or Limitation Of, Liability” (hereinafter “Notice of Complaint”) that is lodged
22 with this court, shall be published once a week for four (4) successive weeks prior to November 28,
23 2011 by Plaintiff-in-limitation, in San Diego Commerce, a newspaper of general circulation printed
24 and published in San Diego, California;

25 4. Plaintiff-in-limitation, pursuant to Rule F(4) of the *Supplemental Rules for Certain*
26 *Admiralty and Maritime Claims*, shall not later than the date of the second publication mail a copy
27 of the “Notice of Complaint” to every person and entity known to have asserted a claim against
28 Plaintiff-in-limitation or “The Nessie”, arising out of, resulting from, or in any manner connected


1 with the Complaint in this action and in those cases where the person or entity making the claim is
2 known to have an attorney, the "Notice of Complaint" shall be mailed to such attorney;

3 5. The publication and mailing of the "Notice of Complaint" described herein shall constitute
4 due notice to all persons asserting claims arising out of or in any way relating to that which the
5 Complaint herein seeks exoneration from, or limitation of, liability;

6 6. Service of this Order as a restraining order may be accomplished by mailing a copy of this
7 executed Order to the persons to be restrained, or their attorneys acting on their behalf.

8 IT IS SO ORDERED.

9 DATED: October 11, 2011

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11 M. James Lorenz
12 United States District Court Judge
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