

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 1:13-cv-03139-REB-MJW

In Re: Petition of DANIEL ARCHER, as
Owner of the unnamed vessel Hull ID
#SERA5032J798, for Exoneration from or
Limitation of Liability,

Plaintiff.

ORDER

Blackburn, J.

The matter before the court is plaintiff's **Verified Petition for Exoneration from or Limitation of Liability** [#1]¹, filed November 19, 2013. Plaintiff brings this action pursuant to The Shipowners Limitation of Liability Act, 46 U.S.C. § 30501 *et seq.* (the "Act"), and Supplemental Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (the "Supplemental Rule"), seeking to limit the amount of his potential liability for claims arising out of a voyage of the unnamed vessel, Hull ID #SERA5032J798, on June 19, 2011, to the putative value of the vessel.

To invoke the protections of the Act and the Supplemental Rule, the owner of the vessel must comply with the provisions of Supplemental Rule F(1), which require the posting of a surety bond. Under the Supplemental Rule,

[u]pon compliance by the owner with the requirements of subdivision (1) of this rule all claims and proceedings against the owner or the owner's property with respect to the matter in question shall cease. On application of the plaintiff the

¹ "[#1]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

court shall enjoin the further prosecution of any action or proceeding against the plaintiff or the plaintiff's property with respect to any claim subject to limitation in the action.

Supplemental Rule F(3). In addition,

the court shall issue a notice to all persons asserting claims with respect to which the complaint seeks limitation, admonishing them to file their respective claims with the clerk of the court and to serve on the attorneys for the plaintiff a copy thereof on or before a date to be named in the notice. . . . The notice shall be published in such newspaper or newspapers as the court may direct once a week for four successive weeks prior to the date fixed for the filing of claims. The plaintiff not later than the date of second publication shall also mail a copy of the notice to every person known to have made any claim against the vessel or the plaintiff arising out of the voyage or trip on which the claims sought to be limited arose.

Supplemental Rule F(4).

In his verified complaint, plaintiff applied for the relief afforded by the

Supplemental Rule (**see Compl. ¶ 25 at 5 [#1]**, filed November 19, 2013), and now has complied with the requirements of subdivision (1) (**see Notice of Surety Bond [#14]**, filed December 23, 2013). Thus, I enter the following orders in accordance with the above provisions.

THEREFORE, IT IS ORDERED as follows:

1. That as provided by and in accordance with Supplemental Rule F(3), further prosecution of any and all other suits, proceedings, or claims against plaintiff, the owner of the unnamed vessel, Hull ID #SERA5032J798, or plaintiff's property, arising from the voyage of said vessel on June 19, 2011, of whatever nature or description and in any court whatsoever, is **ENJOINED** until this matter is heard and determined;

2. That as provided by and in accordance with Supplemental Rule F(4), all persons asserting claims against plaintiff, the owner of the unnamed vessel, Hull ID #SERA5032J798, or plaintiff's property, arising from the voyage of said vessel on June 19, 2011, **SHALL FILE** their respective claims in this matter and **SHALL SERVE** on the attorney for plaintiff a copy thereof by **February 3, 2014**;

3. That as provided by and in accordance with Supplemental Rule F(4), plaintiff **SHALL PUBLISH** notice of this Order once a week for four successive weeks in *The Denver Post* prior to **February 3, 2014**; and

4. That as provided by and in accordance with Supplemental Rule F(4), not later than the date of the second publication contemplated in paragraph 3 above, plaintiff **SHALL MAIL** a copy of the notice to every person known to have made any claim against the unnamed vessel, Hull ID #SERA5032J798, or plaintiff's property, arising from the voyage of said vessel on June 19, 2011.

Dated January 3, 2014, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge