

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IN ADMIRALTY

IN THE MATTER OF:

Case No.: 2:16-cv-417-FtM-38CM

THE COMPLAINT OF DREW UNDERWOOD,
AS OWNER OF THE 2007 21' CLEARWATER
BAY STAR 2100 (hull identification number
MUS21719J607), ITS ENGINES, TACKLE,
APPURTENANCES, EQUIPMENT, ETC.,
IN A CAUSE OF EXONERATION FROM OR
LIMITATION OF LIABILITY,

Petitioner.

**ORDER APPROVING AD INTERIM STIPULATION, NOTICE OF
MONITION AND INJUNCTION**

A Complaint has been filed herein by Petitioner, DREW UNDERWOOD, as owner of the 2007 21' CLEARWATER BAY STAR 2100 (hull identification number MUS21719J607) (the "Vessel"). Petitioner is claiming the benefits of exoneration from or limitation of liability as provided for in the Act of Congress embodied in 46 U.S.C. § 30501, *et seq.*, together with all statutes supplementary thereof, and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure. Petitioner also is contesting liability independently of the limitation of liability claim under said Act for any loss, damage, personal injuries, or destruction of property or other occurrences arising from the incident described in said Complaint, which occurred on or about May 24, 2014 on the navigable waters of the United States in Fort Myers Beach, Lee

County, Florida. Petitioner's Complaint also states the facts and circumstances on which such exoneration from or limitation of liability is claimed; and on hearing counsel for Petitioner and on considering the Complaint and Declaration of Value, which are on file herein, and considering Petitioner is able and willing to make such increases or decreases in the *Ad Interim* Stipulation, together with adequate surety as the Court may from time to time require and the value of Petitioner's interest in the Vessel can be more definitely ascertained, the Court finds that an *Ad Interim* Stipulation in the amount of \$17,000.00 fully covers the value of Petitioner's interest in the Vessel, together with her engines, tackles, appurtenances, etc.

ACCORDINGLY, it is hereby

ORDERED that the *Ad Interim* Stipulation filed by Petitioner herein, which represents the value of Petitioner's interest in the Vessel and her pending freight, as fixed by the Court herein in the amount of \$17,000.00 with Petitioner being subject to such increases in the amount of such *Ad Interim* Stipulation, together with adequate surety, as the Court may from time to time order according to the rules and practices of this Court, be and is hereby **APPROVED**. It is further

ORDERED that if the amount of said *Ad Interim* Stipulation is not contested by any Claimant herein, said *Ad Interim* Stipulation shall stand as a stipulation for the value and an appraisal by a Commissioner will not be required; and

IT IS FURTHER ORDERED AND ADJUDGED that the Notice of Monition filed herein by Petitioner, which advises and admonishes all persons

asserting claims for any and all losses, damages, injuries, deaths, or destruction allegedly as a result of the occurrences and happenings recited in the Complaint, to file their respective claims with the Clerk, United States District Court for the Middle District of Florida, 2110 First Street, Fort Myers, Florida 33901, on or before **October 31, 2016**, and serve Petitioner's attorneys, Hamilton, Miller & Birthisel, LLP, 100 S. Ashley Drive, Suite 1210, Tampa, Florida 33602, a copy thereof, or be defaulted. If any claimant desires to contest Petitioner's right to exoneration from or limitation of liability, Claimant shall file and serve on Petitioner's attorneys an answer to the Complaint, on or before said date, unless the claim included an answer to the Complaint so designated, or be defaulted, be and is hereby **APPROVED**. It is further

ORDERED AND ADJUDGED that the aforesaid Notice of Monition, in the form required by Rule F of the Supplemental Rule for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, shall be published in accordance with Rule F, Supplemental Rules for Certain Admiralty and Maritime Claims and Local Admiralty Rules 7.01 and 7.06, and that Petitioner's Notice of Monition shall stand as if it were issued out of and under the seal of this Court. It is further

ORDERED AND ADJUDGED that the commencement or further prosecution of any action or proceeding against Petitioner, the Vessel or any other property of Petitioner with respect to any claims for which Petitioner seeks exoneration from or limitation of liability herein, including any claim arising out of

or incident to or connected with any loss, damage, injury, death or destruction, more fully described in the Complaint, be and the same is hereby restrained, stayed, and enjoined until the hearing and determination of this action. It is further

ORDERED AND ADJUDGED that the service of this Order as a restraining order may be made by mailing a conformed copy of it to the person or persons to be restrained, or to their respective attorneys, or alternatively, by hand delivery.

IT IS FINALLY ORDERED AND ADJUDGED that Petitioner, no later than the second day of publication of the notice ordered herein, shall mail a copy of the notice to every person or entity known to have made a claim against Petitioner or the Vessel arising out of the incident more fully described in the Complaint.

DONE AND ORDERED in Fort Myers, Florida on this 30th day of August, 2016.


CAROL MIRANDO
United States Magistrate Judge

Copies to:

Counsel of record