

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IN THE MATTER OF THE
PETITION OF EVERGLADES
AIRBOAT MANAGEMENT, LLC and
EVERGLADES AIRBOAT
MANAGEMENT, LLC, d/b/a Captain
Jacks Airboat Tours as Owner of the
2016 AON 18'6" AIRBOAT HIN
AON02479E616, FOR
EXONERATION FROM OR
LIMITATION OF LIABILITY

Petitioner,

Case No: 2:18-cv-37-FtM-99CM

ORDER

This matter comes before the Court upon review of Petitioner Everglades Airboat Management, LLC d/b/a Captain Jacks Airboat Tours' Motion for Entry of Order (Doc. 9) filed on February 13, 2018. On January 17, 2018, Petitioner filed a Verified Petition for Exoneration from or Limitation of Liability as provided in 46 U.S.C. § 30501 *et seq.* and pursuant to Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, for all losses, damages, injuries, deaths or destruction allegedly resulting from the November 22, 2016 incident referred to in the Verified Petition.

Petitioner, having filed a Letter of Undertaking with the Court as security for the benefit of potential claimants, in an amount not less than or equal to the amount or value of its interest in the Vessel and pending freight, if any, as required by the law and rules of this Court;

IT IS ORDERED AND ADJUDGED that the Letter of Undertaking for Petitioner's interest in the Vessel and pending freight, if any, in the principle amount of \$18,108.20 with interest thereon at the rate of six percent (6%) per annum from date hereof, executed on the 16th day of January, 2018, by Atlantic Specialty Insurance Company as insurer for Petitioner and the Vessel, and filed herein by Petitioner, be accepted as security for the purpose of this Limitation of Liability proceeding and that it be approved as to form, quantum and surety.

IT IS FURTHER ORDERED AND ADJUDGED that Petitioner and any Claimant who may properly become a party hereto may contest the amount of value of Petitioner's interest in the Vessel and pending freight, if any, as fixed in said Letter of Undertaking, and may move the Court for due appraisal of said interest and may apply to have the amount of said stipulation increased or decreased, as the case may be, on the determination by the Court of the amount of value of said interest or to carry out the provisions of 46 U.S.C. § 30508 for personal injuries or death.

IT IS FURTHER ORDERED AND ADJUDGED that Notice shall be issued by the Clerk of this Court advising and admonishing 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 Verified Petition, to file their respective claims with the Clerk for the United States District Court for the Middle District of Florida, Fort Myers Division, 2110 First Street, Fort Myers, Florida 33901 on or before the 1st day of April, 2018, and serve on Petitioner's counsel of record, James N. Hurley, Esq., and Christine M. Walker, Esq., Fowler White Burnett, PA, 1395

Brickell Ave., 14th Floor, Miami, Florida 33131, a copy thereof, or be defaulted and 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 Verified Petition, on or before said date, unless the claim has included an Answer to the Verified Petition so designated or be defaulted.

IT IS FURTHER ORDERED AND ADJUDGED that publication of the aforesaid notice in the form required by Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure be published in a newspaper(s) of general circulation in Collier County, once a week for four successive weeks prior to the date fixed for the filing of claims in accordance with Supplemental Rule F.

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 Petition, 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 service of this Order as a restraining order may be made by mailing a conformed copy of it to the person or persons who have made a claim as of the date of this order, or to their respective attorneys.

IT IS FINALLY ORDERED AND ADJUDGED that Petitioner, no later than the second day of publication of 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 Verified Petition.

DONE and **ORDERED** in Fort Myers, Florida on this 14th day of February, 2018.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record