

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
IN ADMIRALTY

HESS CORPORATION,

Plaintiff,

v.

Case No. 3:07-cv-730-J-33TEM

M/V KRITON, her engines, tackle, and
furnishings, IN REM,

Defendant.

ORDER

This matter comes before the Court sua sponte upon review of the Complaint (Doc. #1) filed by Hess Corporation on August 9, 2007.

Hess Corporation alleges that the vessel Kriton negligently hit its Jacksonville dock with excessive force, causing substantial damage to the dock. Hess Corporation asserts that "as a result of Defendant's negligence, the Plaintiff has sustained damages for its repair of the dock, survey fees, divers fees, loss of use, overhead expenses and other expenses, and taxable costs." (Doc. #1 at 2).

In the Complaint, Hess Corporation seeks an order of this Court arresting the vessel Kriton, her engines, tackle, and furnishing and seeks damages in the amount of \$100,000. Specifically, Hess Corporation requests that "a warrant of arrest be issued against the said vessel, her engines, tackle, and furnishings and that all persons claiming any right, title or interest therein may be cited to appear and answer all and singular

the matters aforesaid [and that a] citation may issue against Defendant . . . in rem, and her owner in personam" (Doc. #1 at 2).

Rule C of the Supplemental Rules Certain Admiralty and Maritime Claims and Local Rule 7.03 of the Middle District of Florida govern the Complaint, filed in rem and require that the Complaint be verified. Specifically, Local Rule 7.01(e) states, "Every complaint and claim filed pursuant to Supplemental Rules (B), (C) and/or (D) shall be verified on oath or solemn affirmation by a party, or an officer of a corporate party."

The Complaint, however, is not verified. Accordingly, the Complaint is dismissed without prejudice due to its failure to comply with Supplemental Rule C and Local Rule 7.03 of the Middle District of Florida. Hess Corporation is granted leave to file an amended, verified complaint within twenty (20) days of the date of this order.

In addition, as Hess Corporation seeks a warrant of arrest against the vessel Kriton, Hess Corporation must file the procedurally appropriate motion and proposed order and warrant as provided in Local Rule 7.03, M.D. Fla. Middle District Forms 702 and 703 are available in the appendix to the Local Rules of the

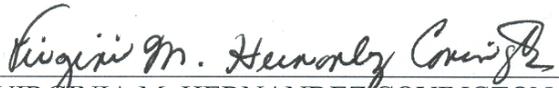
Middle District of Florida to assist counsel in complying with this Court's specific requirements.

Accordingly, it is hereby

ORDERED, ADJUDGED, and DECREED:

1. The Complaint (Doc. #1) is **DISMISSED WITHOUT PREJUDICE**. Hess Corporation is granted leave to file an amended, verified complaint within twenty (20) days of the date of this order.
2. Hess Corporation is directed to comply with Supplemental Rule C and Local Rule 7.03 concerning actions in rem.

DONE and **ORDERED** in Chambers in Jacksonville, Florida, this 17th day of August, 2007.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record