

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN ADMIRALTY

IN THE MATTER OF THE COMPLAINT
OF DANA B. SKAFF, as Owner of the M/V
FREEDOM III, a 2006 Sea Hunt Triton 22
with Hull ID Number SXSH0382I506, for
Exoneration from or Limitation of Liability,

Petitioner.

CASE NO. 3:17-cv-1037-J-32MCR

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ORDER

THIS CAUSE is before the Court on the Motion for Entry of an Order Approving Security, Directing Issuance of Monition, and Restraining Prosecution of Claims (“Motion”) (Doc. 4), filed by Petitioner on September 8, 2017. Upon consideration, the Motion is due to be **GRANTED**.

Petitioner filed a Complaint for Exoneration From or Limitation of Liability under 46 U.S.C. §§ 30501-30512 and Supplemental Rule F of the Federal Rules of Civil Procedure as owner of the M/V FREEDOM III, a 2006 Sea Hunt Triton 22 with Hull ID Number SXSH0382I506 (the “Vessel”), seeking exoneration from or limitation of liability related to any claim arising out of a voyage involving the Vessel on June 25, 2016, when the Vessel was involved in an incident resulting in an alleged bodily injury while being operated on the navigable waters of Fort George River at the mouth of Simpson Creek, in the vicinity of Jacksonville, Florida. (Doc. 1.) Petitioner alleges she has received notice of a claim related to

said incident. (*Id.* at ¶¶ 11, 15, 21.)

Petitioner filed a declaration from a marine surveyor attesting that the post-accident value of the Vessel plus pending freight was between \$28,000.00 and \$32,000.00. (Doc. 2-2 at 3.) Petitioner and State Farm Florida Insurance Company (hereafter “Surety”), filed an Ad Interim Stipulation for Value in the sum of \$32,000.00, to serve as security for the value of Petitioner’s interest in the Vessel plus six percent interest, as required by Supplemental Rule Rule F(1). (Doc. 2-1.) Petitioner and Surety also filed a Stipulation for Costs in the sum of \$250.00 as required by Supplemental Rule F(1). (Doc. 3.)

Petitioner now moves “for entry of an Order Approving Security, Directing Issuance of a Monition, and Restraining Prosecution of Claims” in accordance with Supplemental Rules F(3) and (4), Federal Rules of Civil Procedure. (Doc. 4 at 1.) After careful consideration, and pursuant to Supplemental Rule F and the papers and declaration filed by Petitioner, the Motion (**Doc. 4**) is **GRANTED** and the Court orders as follows:

1. The Stipulation for Costs of \$250.00 and the *Ad Interim* Stipulation for Value of Petitioner’s interest in the Vessel for no more than the amount of \$32,000.00, with interest thereon at the rate of six percent (6%) per annum from the date hereof, with Petitioners being subject to such increases and decreases 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, are hereby **APPROVED**.

2. Any party, including Petitioner, may apply to have the amount of said *Ad Interim* Stipulation increased or decreased, as the case may be, on the filing of the report of the Commissioner appointed, if any, to appraise the amount or value of Petitioner's interest in the Vessel or upon the ultimate determination by the Court on exceptions to the Commissioner's report, if any.

3. 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 value and an appraisal by a Commissioner will not be required.

4. The Clerk of Court shall issue a notice of monition, which advises and admonishes all persons asserting claims for damages or injuries, arising out of or occurring as a result of the June 25, 2016 accident recited in the Complaint, to file their respective claims with the Clerk of Court, United States District Court for the Middle District of Florida, 300 North Hogan Street, Jacksonville, Florida 32202, **on or before November 3, 2017**, and serve on Petitioner's attorneys, Banker Lopez Gassler, 501 East Kennedy Boulevard, Suite 1700, Tampa, Florida 33602-5241, a copy thereof, or be defaulted; and if any claimant desires to contest Petitioner's right to exoneration from or limitation of liability, the claimant shall file and serve on Petitioner's attorneys an answer to the Complaint, **on or before November 3, 2017**, unless said claim included an answer to the Complaint so designated, or be defaulted.

5. The aforesaid notice, in the form required by Supplemental Rule F, shall be published by Petitioner in an approved newspaper once a week for four successive weeks prior to the date fixed for the filing of claims as provided by Supplemental Rule F and Local Admiralty Rules 7.01(g) and 7.06(a), and copies of the notice shall be mailed in accordance with Supplemental Rule F.

6. Petitioner, no later than the day of second 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.

7. Except this action, 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, is hereby restrained, stayed and enjoined until the hearing and determination of this action.

8. 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.

DONE AND ORDERED at Jacksonville, Florida, on September 18, 2017.


MONTE C. RICHARDSON
UNITED STATES MAGISTRATE JUDGE

Copies to:

Counsel of Record