

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

IN RE:

**FLORIDA WEST COAST CRUISES, INC.,
as owner of M/V STARLITE SAPPHIRE
FOR EXONERATION FROM, OR
LIMITATION OF, LIABILITY**

Case No.: 8:16-cv-2859-T-36AAS

ORDER

Before the Court is Petitioner West Coast Cruises, Inc.’s Unopposed Motion for Notice, Injunction, and Stay (Doc. 16).

On October 7, 2016, Petitioner filed its Verified Complaint for Exoneration from, or Limitation of, Liability. (Doc. 1). Petitioner also submitted an Ad Interim Stipulation, which the Court approved, accepting the Letter of Undertaking as adequate security for the amount of Petitioner’s interest in M/V STARLITE SAPPHIRE and its pending freight. (Docs. 5, 12). Petitioner has therefore complied with subdivision (1) of Supplemental Rule F.

Subdivision (4) of Supplemental Rule F provides that upon said compliance, 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.” Claimant Lori Zagorski timely answered and asserted affirmative defenses to the Verified Complaint and asserted a Claim Against Petitioner for personal injuries. (Doc. 14). Claimant requested this Court deny Petitioner’s request for an injunction to allow her to proceed with her claim in the Circuit Court of the Sixth Judicial Circuit in and for Pinellas County, Florida. (*Id.*).

Here, Petitioner seeks to limit the injunction to permit Claimant to proceed against Petitioner in state court and requests that this Court stay these proceedings during the pendency of Petitioner's state court action. This request is unopposed.

Accordingly and upon consideration, it is **ORDERED**:

(1) Petitioner West Coast Cruises, Inc.'s Unopposed Motion for Notice, Injunction, and Stay (Doc. 16) is **GRANTED**. The Clerk shall issue the Notice of Action Brought for Exoneration From or Limitation of Liability (Doc. 18). The deadline for filing claims is **May 17, 2017**.

(2) If no claims have been filed by the May 17, 2017 deadline, Petitioner may move for this Court to issue an injunction enjoining and restraining the commencement or prosecution of any and all claims, suits or legal proceedings of any kind against SAILING FLORIDA, its insurers and underwriters, or against the M/V STARLITE SAPPHIRE or any other property owned by Petitioner with respect to any claim for which FLORIDA WEST COAST seeks exoneration and/or limitation of liability, other than in these proceedings or any Circuit Court proceeding initiated by Claimant, LORI ZAGORSKI, and to stay these proceedings during the pendency of any claim that is the subject of Petitioner's Verified Complaint and not enjoined.

DONE AND ORDERED in Tampa, Florida on this 20th day of April, 2017.



AMANDA ARNOLD SANSONE
United States Magistrate Judge

