

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN ADMIRALTY

IN THE MATTER OF:

THE COMPLAINT OF PAULA DALTON, AS
OWNER OF A 2015 19' TWIN VEE BAY CAT
(HULL ID: TVG19158G415), IN A CAUSE OF
EXONERATION FROM OR LIMITATION OF
LIABILITY,

CASE NO.: 8:21-cv-00101-MSS-AAS

Petitioner.

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**ORDER APPROVING AD INTERIM STIPULATION AND ISSUING
MONITION AND INJUNCTION**

A Complaint has been filed herein by Petitioner, PAULA DALTON, as owner of a 2015 Twin Vee Powercats 19' Bay Cat (HIN # TVG19158G415) (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 is also 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 November 27, 2019 on Florida's navigable waters off the coast of Big Pine Key, Monroe 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, which is filed 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 interests in the

Vessel can be more definitely ascertained, the Court finds that an *Ad Interim* Stipulation in the amount of \$30,587.87 fully covers the value of Petitioner's interest in the Vessel, its pending freight, 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 as fixed by the Court herein in the amount of \$30,587.87, 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, is hereby **APPROVED**;

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 will not be required;


ORDERED AND ADJUDGED that a Monition and Injunction shall issue out of and under seal of this Court against all persons or corporations asserting claims for any and all losses, damages, injuries, 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, on or before **April 2, 2021**, and serve on 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;

ORDERED AND ADJUDGED that a public notice of said Motion be given by publication as required by Supplemental Rule F, once a week for four successive weeks in the *Tampa Bay Times* prior to the date fixed for filing of claims in accordance with Supplemental Rule F and that not later than the second weekly publication, a copy of said notice be mailed by Petitioner to every person or corporation known to have a claim against Petitioner arising out of the incident set forth in the Complaint;

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 connected with any loss, damage, injury, or destruction, more fully described in the Complaint, is hereby **STAYED, ENJOINED AND RESTRAINED**, until the final determination of this action; and

IT IS FINALLY ORDERED that 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 in Chambers in Tampa, Florida, this 22nd day of January, 2021.


UNITED STATES DISTRICT JUDGE
Magistrate
Amarda Arnold Sarson

Copies to:
Counsel of Record.

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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MONITION


TO THE MARSHAL OF THE UNITED STATES OF AMERICA FOR THE UNITED STATES
DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA:

WHEREAS, a Complaint has been filed in the United States District Court for the Middle District of Florida, Tampa Division, by Petitioner, PAULA DALTON, as owner of a 2015 Twin Vee Powercats 19' Bay Cat (HIN # TVG19158G415) (the "Vessel"), seeking exoneration from, or limitation of, her liability concerning any and all personal injury, property damage, destruction or other losses occasioned by or arising out of the alleged marine incident set forth in the aforesaid Complaint, for reasons and causes in said Complaint, and praying that a Monition and Injunction for those reasons be issued, and that all persons or corporations claiming any and all personal injury, property damage, destruction or other losses, caused by or resulting from the alleged marine incident set forth in the Complaint be thereby cited to appear and file their respective claims with the Clerk of this Court, and to make due process thereof and citing them to file their answers to the Complaint and all the proceedings be had, if it shall appear that Petitioner is not liable for any personal injury, property damage, destruction or other losses, it may be so finally decreed by this Court; and,

WHEREAS, Petitioner has filed herein *Ad Interim* Stipulation for Costs and Value, representing the value of the Petitioner's interest in the subject Vessel, within fifteen (15) days after the entry of an Order herein appraising the value of the Petitioner's interest in the Vessel, will pay the amount so fixed into this Court or will file with the Court a stipulation for value in the usual form and with approved surety;

YOU ARE THEREFORE COMMANDED TO CITE PERSONS OR CORPORATIONS, in respect of which Petitioner seeks limitation, to file their respective claims with the Clerk of this Court and to serve on or mail to the Petitioner's attorneys copies thereof on or before **April 2, 2021**, and citing such claimants to appear and respond to the Complaint herein on or before **April 2, 2021**, or within such time as the Court may grant and what you have done in the premises do you then make return to the Court together with this writ.

DONE AND ORDERED in Tampa, Florida on this 20th day of January, 2021.


UNITED STATES DISTRICT JUDGE
Megowan
Amanda Arnold Sanz

Copies furnished to:

Counsel of Record

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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NOTICE OF MONITION

LEGAL NOTICE FOR PUBLICATION. Notice is hereby given that PAULA DALTON, as owner of a 2015 19' Twin Vee Bay Cat (HIN # TVG19158G415) (the "Vessel"), has filed a Complaint pursuant to Title 46, United States Code, Section 30501-30512, claiming the right to exoneration from or limitation of liability from any and all personal injury, property damage, destruction or other losses occasioned by or arising out of the alleged marine incident which occurred on or about November 27, 2019 on the navigable waters of the United States in or around Big Pine Key, Monroe County, Florida as more fully set forth in the Complaint. Any and all persons or corporations claiming damage for any and all losses, destruction or damage arising from, or relating to, the matters set forth in the Complaint shall file their claims with the Clerk of the United States District Court for the Middle District of Florida, Tampa Division, 801 North Florida Avenue, Tampa, Florida 33602, and serve on or mail to the Petitioner's attorneys, Hamilton, Miller & Birthisel, LLP, 100 S. Ashley Drive, Suite 1210, Tampa, Florida 33602, Tel: (813) 223-1900, Fax: (813) 223-1933, a copy thereof on or before **April 2, 2021**; any and all persons or corporations desiring to contest allegations of the Complaint shall also file an answer in the United States District Court for the Middle District of Florida and shall serve a copy thereof to the attorneys for Petitioner, on or before **April 2, 2021**. **FAILURE TO TIMELY FILE A CLAIM AND/OR ANSWER BY April 2, 2021 MAY RESULT IN THE WAIVER OF YOUR RIGHT TO FILE A CLAIM AND/OR ANSWER.**