

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

IN ADMIRALTY

CASE NO. 13-61028-ROSENBAUM

BROWARD SHIPYARD, INC.,

Plaintiff,

v.

M/V *SHAMROCK*, a 1989 52.5' Halmatic  
built, twin diesel motor vessel last registered  
in Monserrat, British West Indies, Official  
Number 730834, *in rem*,

Defendant.

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**ORDER REQUIRING PROOF OF SERVICE**

This cause is before the Court upon Plaintiff, Broward Shipyard, Inc.'s Motion for Final Default Judgment, or Alternatively, Motion for Final Summary Judgment Against the *M/V Shamrock* [D.E. 14]. Local Admiralty Rule C(8), S.D. Fla., provides that

The party seeking the entry of default shall also file such other proof sufficient to demonstrate that due notice of the action and arrest have been given by:

- (a) Service upon the master or other person having custody of the property; **and**
- (b) Delivery, or by certified mail, return receipt requested (or international effective equivalent), to every other person, including any known owner, who has not appeared or intervened in the action, and who is known to have, or claims to have, a possessory interest in the property.

The party seeking entry of default judgment under Local Rule 3(h) may be excused for failing to give notice to such "other person"


upon a satisfactory showing that diligent effort was made to give notice without success; **and**

(c) Publication as required by Supplemental Rule C(4) and Local Admiralty Rule C(4).

L. Adm. R. C(8), S.D. Fla. (emphasis added). A review of the record indicates that Plaintiff has provided proof of service by publication, which satisfies subparagraph (c) only. *See* D.E. 11. However, it is not clear from the record that Plaintiff has complied with the other provisions of Rule C(8), including providing proof that notice has been given to the vessel's purported owner, Xperts of the Seas, LLC. *See* D.E. 1, ¶ 5.

The Court cannot consider Plaintiff's Motion until Plaintiff demonstrates compliance with the Local Admiralty Rules. Therefore, it is **ORDERED and ADJUDGED** that Plaintiff shall demonstrate compliance with Rule C(8) on or before **August 5, 2013**. Failure to demonstrate compliance will result in the denial of Plaintiff's Motion.

**DONE AND ORDERED** in Fort Lauderdale, Florida, this 26th day of July 2013.

  
ROBIN S. ROSENBAUM  
UNITED STATES DISTRICT JUDGE

Copies to counsel of record