

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

IN THE MATTER OF THE :
COMPLAINT OF DAWN BEASLEY, : CASE NO. 3:22-CV-110 (CAR)
et al, In re 2020 MERCURY :
NITRO Z-18. :

ORDER OF PUBLICATION AND STAY

Currently before the Court is Limitation Plaintiffs Dawn R. Beasley, and John D. Beasley's (hereinafter, the "Limitation Plaintiffs") Motion for Publication and Stay [Doc. 4]. The Limitation Plaintiffs are owners of a 2020 Mercury Nitro Z-18 (Hull Identification No.: BUJ50524B020, Georgia Registration No. GA5722EA, hereinafter, the "Limitation Vessel") in this action for exoneration from or limitation of liability arising from an accident that occurred on or about May 22, 2022 on Lake Hartwell near Carters Ferry in Hart County, Georgia (hereinafter, "the Accident") during the Limitation Vessel's voyage on Lake Hartwell (hereinafter, the "Voyage"), as more fully set forth in the Limitation Complaint [ECF No. 1]; and the Limitation Plaintiffs also stating the facts and circumstances under which exoneration or limitation is claimed.

The Limitation Plaintiffs have tendered to this Court a Letter of Undertaking ("LOU") from Progressive Gulf Insurance Company in the amount of TWELVE THOUSAND AND 00/100 DOLLARS (\$12,000.00) (U.S.) in satisfaction of their requirement to post security for the amount of their interest in the Limitation Vessel, as

set forth in their *Ad Interim* Stipulation for Value [ECF No. 3] and ONE THOUSAND DOLLARS AND 00/100 (\$1,000.00) (U.S.) for costs, as set forth in their Stipulation for Costs [ECF No. 2].

NOW, on application of the Limitation Plaintiffs, by counsel, **IT IS HEREBY ORDERED:**

That the commencement or prosecution of any actions or suits of any nature against either the Limitation Plaintiffs or the Limitation Vessel are enjoined; and further prosecution of any actions heretofore commenced or to be commenced against the Limitation Plaintiffs, or against property owned, operated or controlled by the Limitation Plaintiffs, is enjoined; and any property heretofore attached under any such suit or action should be and is freed from such attachment; and any bonds or stipulations heretofore given for the release of any vessel or property of the Limitation Plaintiffs is released and canceled; and the Clerk and/or U.S. Marshal of any Court in which any such property has been attached is hereby commanded to restore the said property to the person or persons having custody at the time of the said attachment, and no other suit, action or claim of any nature shall be made or prosecuted against either the Limitation Plaintiffs or the Limitation Vessel, or any property in which the Limitation Plaintiffs have an interest, which arises by reason of the Accident except in the present proceeding and in accordance with this and any other subsequent order of this Court, and all such other

actions are hereby stayed and restrained until the hearing and determination of this proceeding.

It is further **ORDERED** that the Clerk issue a Notice to all persons claiming damages sustained or occasioned or incurred by or resulting from this Accident, or in any way arising out of or in connection with the operation of the Limitation Vessel at or near the time when the Accident occurred, admonishing them to file their respective claims with the Clerk of the Court and to serve on or mail to counsel for the Limitation Plaintiffs a copy thereof, or risk default, **on or before January 20th, 2023**, and subject to the right of any person or persons to controvert or question the same, with liberty also to any person or persons claiming damages who shall have presented their claims to answer the Complaint.

It is further **ORDERED** that notice be published in the *Hartwell Sun* once per week for four (4) consecutive weeks before the return date of this Order, and that the Limitation Plaintiffs shall, not later than the day of the second publication mail a copy of said notice to every person known to have made or who may make a claim against the Limitation Plaintiffs and/or the Limitation Vessel arising out of the Accident for which the claims sought to be limited arose.

It is further **ORDERED** that service of this Order as a restraining order be made within this District or Court by delivering a copy of this Order to the person or persons to be restrained, or to his, her or their respective counsel or attorneys.

SO ORDERED, this 21st day of November, 2022.

s/ C. Ashley Royal

C. ASHLEY ROYAL, SENIOR JUDGE
UNITED STATES DISTRICT COURT