

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

LAPIERRE'S ISLAND MARINE )  
SERVICES, INC., )  
 )  
Plaintiff )  
 )  
v. )  
 )  
*M/V ANOTHER IMPULSE* )  
(O.N.1112979), *her engines, boilers,* )  
*tackle, appurtenances, electronics, etc.,* )  
in rem, )  
 )  
and )  
 )  
CHARLES ROBERT CALIRI )  
and SANDRA J. CALIRI, )  
in personam, )  
 )  
Defendants )

Docket No.: 2:15-cv-00137-NT

**DECISION AND ORDER ON MOTION  
FOR DEFAULT JUDGMENT**

This matter is now before the Court on Plaintiff LaPierre's Island Marine, Inc.'s ("Island Marine") Request for Entry of Default Judgment, Rule 55(b), Fed.R.Civ.P. (ECF No. 24). After a review of Island Marine's Request, as well as the pleadings in this matter, the Court finds as follows:

1. On April 14, 2015, Plaintiff filed its Verified Complaint in this matter (ECF No. 1) seeking, *inter alia*, to foreclose a maritime lien on Defendant *M/V Another Impulse* (O.N. 1112979) in the amount of Forty-Seven Thousand, Four Hundred

and Fifty-Five Dollars (\$47,455.00), plus interest, other charges and costs, costs of collection, and costs *in custodia legis*.

2. On April 21, 2015, Defendant *M/V Another Impulse* (O.N. 1112979) was arrested by the United States Marshal Service, and copies of, *inter alia*, the Verified Complaint, the Order for Issuance of Warrant for Maritime Arrest, and the Order Appointing Substitute Custodian were placed on board the Vessel, all as more fully appears in the Process Receipt and Return from the United States Marshal Service previously filed with the Court. *See* United States Marshal Service's Process Receipt and Return, previously filed with the Court on May 4, 2015 (ECF No. 12).

3. On April 22, 2015, copies of the Order Appointing LaPierre's Island Marine Services, Inc., as the substitute custodian; the Order for Issuance of Warrant for Maritime Arrest of the *M/V Another Impulse*; the Warrant for Arrest of Vessel or Other Property; and the Order of Notice; with Exhibit A, were forwarded by Certified Mail, Return Receipt Requested, to Charles Robert Caliri and Sandra J. Caliri, owners of the *M/V Another Impulse*. *See Exhibit A* to the Affidavit of Twain Braden, dated May 21, 2015, previously filed with the Court on May 21, 2015 (ECF No. 22-2).

4. On April 28, 2015, this office received Confirmation of Delivery, return receipt, of Certified Mail letter described at Paragraph 3 above, signed by Charles Robert Caliri. *See Exhibit B* to the Affidavit of Twain Braden, dated May 21, 2015, previously filed with the Court on May 21, 2015 (ECF No. 22-3).

5. On April 22, 2015, copies of the Order Appointing LaPierre's Island Marine Services, Inc., as the substitute custodian; the Order for Issuance of Warrant for Maritime Arrest of the *M/V Another Impulse*; the Warrant for Arrest of Vessel or Other Property; and the Order of Notice; with Exhibit A, were forwarded by US Mail, postage prepaid, to the Office of Attorney General, Commonwealth of Massachusetts, which had recorded a Notice of Claim of Lien regarding the Defendant *M/V Another Impulse* with the National Vessel Documentation Center. See **Exhibit C** to the Affidavit of Twain Braden, dated May 21, 2015, previously filed with the Court on May 21, 2015 (ECF No. 22-4).

6. On April 27, 2015, copies of the following were served upon Defendants Charles Robert Caliri and Sandra J. Caliri at their home, 121 Townhouse Way, No. 20, Woodstock, Vt., by the Windsor (Vermont) County Sheriff's Department: Summons to Charles Robert Caliri, Summons to Sandra J. Caliri, Verified Complaint, Civil Cover Sheet, Corporate Disclosure Statement, Motion for Appointment of Substitute Custodian, Motion for Designation of Public Notice, Motion for Issuance of Warrant for Arrest of *M/V Another Impulse* (O.N. 1112979), Order Granting Motion to Appoint Substitute Custodian, Order Granting Motion for Notice, Order Granting Motion for Issuance of Warrant for Maritime Arrest, and Warrant for Arrest of Vessel or Other Property. See Return of Service by the Windsor County Sheriff's Department, dated April 27, 2015, previously filed with the Court on May 4, 2015 (ECF Nos. 15 and 16).

7. On May 7, 2015, a copy of the Notice of Arrest was published in the Biddeford, Maine, *Journal Tribune*, the journal of record for York County, Maine, as required by the Order Granting Motion for Designation of Public Notice (ECF No. 8), all as more fully appears in the Affidavit of Donna Landry, Classified Legal Clerk of the *Journal Tribune*, dated May 11, 2015, previously filed with the Court on May 20, 2015 (ECF No. 21).

8. On May 18, 2015, the Attorney General of the Commonwealth of Massachusetts, through its counsel, Gillian Feiner, Esq., *Pro Hac Vice*, and Carolyn A. Silsby, Esq., entered an appearance and filed a Verified Statement of Financial Interest in the Proceeds of Sale of *M/V Another Impulse* (O.N. 1112979) (ECF No. 19).

9. None of the Defendants, *M/V Another Impulse* (O.N. 1112979), Charles Robert Caliri, or Sandra J. Caliri, nor anyone else acting on their behalf, have appeared or timely pled in this action as required by the Federal Rules of Civil Procedure and the Supplemental Rules for Admiralty or Maritime Claims.

10. The time period within which Defendants *M/V Another Impulse*, Charles Robert Caliri, and Sandra J. Caliri, were required to appear, file a claim, answer or otherwise responded to the Verified Complaint in this matter has expired.

11. On May 21, 2015, an Entry of Default with regard to Defendants *M/V Another Impulse* (O.N. 1112979), Charles Robert Caliri, and Sandra J. Caliri, was noted by the Clerk, pursuant to Rule 55(a), Fed.R.Civ.P. (ECF No. 23).

12. Defendant *M/V Another Impulse* (O.N. 1112979) is a recreational motor vessel, and therefore is not an infant or incompetent person.

13. Defendant *M/V Another Impulse* (O.N. 1112979) is a recreational motor vessel, and therefore is not in the military service of the United States within the meaning of the Servicemembers Civil Relief Act, 50 USC App. §§ 511 and 521(a).

14. Upon information and belief, Defendants Charles Robert Caliri and Sandra J. Caliri are not minors or incompetent persons, nor are they Servicemembers of the United States within the meaning of the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 511 and 521(a).

15. LaPierre's Island Marine Services, in its capacity as the duly appointed substitute custodian in this matter, has incurred *in custodia legis* costs, and costs and expenses associated with the arrest and maintenance of the vessel while under arrest.

16. Plaintiff Island Marine holds a maritime lien on the *M/V Another Impulse* (O.N. 1112979) in the amount of Forty-Seven Thousand, Four Hundred and Fifty-Five Dollars (\$47,455.00), plus interest and costs.

17. Plaintiff Island Marine is entitled to the damages set forth in its Verified Complaint in the principal sum of Forty-Seven Thousand, Four Hundred and Fifty-Five Dollars (\$47,455.00), plus interest, penalties and other charges and costs, costs of collection, and costs *in custodia legis*, plus costs and expenses associated with arresting the Vessel, including but not limited to the cost of publishing the Notice regarding the arrest of the Vessel and the need to file claims

with the Court, all of which will be addressed in greater detail in Plaintiff's Motion for Confirmation of Sale once the Vessel has been sold after judgment is entered herein.

In light of the above, the Court hereby **ORDERS:**

That Plaintiff LaPierre's Island Marine Service, Inc.'s, Request for Entry of Default Judgment pursuant to Fed.R.Civ.P. 54(b) is granted in the amount of Forty-Seven Thousand, Four Hundred and Fifty-Five Dollars (\$47,455.00), plus interest and costs. Any *in custodia legis* costs, and expenses associated with arresting the vessel, including, but not limited to the cost of publishing the Notice regarding the arrest of the Vessel and the need to file claims with the Court, as well as any priority issues regarding any lien asserted by the Commonwealth of Massachusetts, will be addressed following the sale of the Vessel pursuant to any future orders of this Court. Judgment shall be entered accordingly.

**SO ORDERED.**

/s/ Nancy Torresen  
United States Chief District Judge

Dated this 2nd day of June, 2015.