

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 11-12159-RWZ

THE COMPLAINT OF
THE COURAGEOUS SAILING CENTER OF BOSTON, INC.,
FOR EXONERATION FROM OR LIMITATION OF LIABILITY,
CIVIL AND MARITIME

ORDER

November 5, 2012

ZOBEL, D.J.

On May 21, 2009, two small sailboats owned by The Courageous Sailing Center ("Courageous") collided and Michelle Lauria, the crew on one of the boats, was injured. She sent Courageous notice of a claim for her injuries, and Courageous filed a claim for exoneration on December 7, 2011, C. A. No. 11-12159-RWZ. Claimant filed a personal injury action on May 15, 2012, C. A. No. 12-10870-RGS, and the parties have since disagreed about the order in which the two cases should proceed. Judge Tauro, who initially presided over the exoneration proceeding, allowed a motion by claimant to enjoin "all actions outside the proceedings herein" (Docket # 9) before the personal injury action was filed. As a result Judge Stearns, the judge assigned to that case, stayed the proceedings.

The immediate matter before me in the exoneration proceeding is the claimant's motion to dismiss on the ground that the complaint was untimely. That motion is denied as there is a dispute about the authority of the insurance adjuster to receive notice on

behalf of Courageous. Given the existing injunction in this case and the stay in the personal injury action, this case will now proceed on the merits.

A scheduling conference will be held on Tuesday, December 4, 2012, at 2:30 p.m.

November 5, 2012
DATE

/s/Rya W. Zobel
RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE