In re Seven Crown Doc. 17

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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

In re SEVEN RESORTS, INC. a Nevada corporation, d/b/a SEVEN CROWN RESORTS, as owner of a certain 1986 houseboat manufactured by Master Fabricators; Summit Model; Echo Bay rental No. 224, for exoneration from or limitation of liability

Plaintiff.

Case No. 2:10-cv-01149-PMP-LRL

IN ADMIRALTY

[PROPOSED] ORDER DIRECTING ISSUANCE OF NOTICE AND RESTRAINING SUITS

A Complaint having been filed herein by the above Plaintiff as owner of the houseboat identified as a certain 1986 houseboat manufactured by Master Fabricators; Summit Model; Echo Bay rental No. 224, HIN HLRO1045E686, for exoneration from or limitation of liability, pursuant to 46 U.S.C. §§ 30501-30512, and the various statutory supplements thereto and amendatory thereof, Rule 9(h) of the Federal Rules of Civil Procedure, and Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Assets Forfeiture Actions of the Federal Rules of Civil Procedure ("Supplemental Admiralty Rules"), for losses, damages, property damages, and injuries arising out of an incident occurring on Lake Mead on August 20, 2009, in which it is alleged that a person aboard a houseboat identified as a certain 1986 houseboat manufactured by Master Fabricators; Summit Model; Echo Bay rental No. 224, HIN HLRO1045E686, died as a result of carbon monoxide exposure from said houseboat, while the vessel was underway on Lake

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Mead, as described in the Complaint herein,

NOW, ON APPLICATION OF PLAINTIFF, IT IS HEREBY ORDERED:

 1. That Notice is hereby issued by this Court to all persons asserting claims concerning which Plaintiff seeks exoneration from or limitation of liability:

NOTICE IS HERERY GIVEN that Plaintiff Seven Resorts. Inc. d/b/

NOTICE IS HEREBY GIVEN that Plaintiff Seven Resorts, Inc. d/b/a Seven Crown Resorts ("Plaintiff"), has filed a complaint pursuant to Title 46, United States Code, Sections 30501-30512, claiming the right to exoneration from or limitation of liability for all claims arising out of the incident involving its houseboat identified as a certain 1986 houseboat manufactured by Master Fabricators; Summit Model; Echo Bay rental No. 224, HIN HLRO1045E686, on August 20, 2009 on Lake Mead.

All persons having such claims must file them, as provided in Rule F of the Supplemental Admiralty Rules of the Federal Rules of Civil Procedure, with the Clerk of this Court at the United States District Court, District of Nevada, Room 1334, 333 Las Vegas Blvd. So. Las Vegas, NV 89101, and serve on or mail to the Plaintiff's attorney, Chad R. Fears, 3883 Howard Hughes Parkway, Suite 1100, Las Vegas, NV 89169, a copy thereof on or before 30 days from the entry of Notice of Complaint For Exoneration from or Limitation of Liability or such claims will be deemed defaulted or waived. Entry of the Notice of Complaint will constitute "issuance of the notice" for purposes of Supplemental Admiralty Rule F(4). Personal attendance is not required. Any claimant desiring to contest either the right to exoneration from or the right to limitation of liability must also file an answer to the said complaint, as required by Rule F of the Supplemental Admiralty Rules of the Federal Rules of Civil Procedure, and serve on or mail to Plaintiff's attorney a copy, on or before the same date.

2. IT IS FURTHER ORDERED, pursuant to Supplemental Admiralty Rule F(4), that the aforesaid notice shall be published in the Las Vegas Review Journal and Nevada Legal News once a week for four successive weeks prior to the date fixed for filing of claims, as provided for by the aforesaid Rule F(4) and Local Rules; and copies of the notice shall be mailed in accordance with said Rule F.

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3. That the further prosecution of any and all actions, suits and proceedings alread
commenced, including but not limited to the lawsuit in Clark County, Nevada District Court title
Mary Jolynn Murphy et al., v. Seven Resorts, Inc., et al., Case No. 10-A-612210-c, an
commencement or prosecution thereafter of any and all suits, actions or proceedings of any natur
and description whatsoever, in any jurisdiction, and the taking of any steps in or the making of
any motion in such actions, suits or proceedings, against the Plaintiff, as aforesaid or against an
property or employee of Plaintiff, except in this action, to recover damages for or in respect of
any loss, damage, property damage and/or injury caused by or resulting from the aforesai
ncident involving houseboat identified as a certain 1986 houseboat manufactured by Maste
Fabricators; Summit Model; Echo Bay rental No. 224, HIN HLROI045E686, on August 20, 200
on Lake Mead, as alleged in the Complaint, are hereby restrained, stayed and enjoined unless of
until otherwise ordered by this Court.

4. That service of this Order as a restraining or injunctive order may be made through the Post Office by mailing a copy thereof to a person or persons to be restrained, or their respective attorneys, or alternatively served by hand.

DATED: October 15, 2010

PHILIP M. PRO

United States District Judge

Prepared and Submitted By: SNELL & WILMER L.L.P.

3 SNELL & WILNIE

Chad R. Fears

Nevada Bar No. 6970

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