

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

11 In the Matter of ACTION WATERSPORTS
12 OF INCLINE VILLAGE, LLC, as owner of
13 the vessel SIERRA CLOUD, official number
950488, for Exoneration from or Limitation of
Liability

Case No. 3:21-cv-00072-MMD-CLB

**ORDER DIRECTING ISSUANCE
OF NOTICE, AND PUBLICATION
AND THEREOF**

17 WHEREAS, a complaint is being filed simultaneously with this [Proposed] Order by which
18 Plaintiff-in-Limitation ACTION WATERSPORTS OF INCLINE VILLAGE, LLC., as owner of
19 vessel SIERRA CLOUD, official number 950488, (“VESSEL”), wherein Plaintiff-in-Limitation
20 seeks exoneration from or limitation of liability for any losses, injuries, and/or damages occasioned
21 as a result of the VESSEL voyage on or about July 16, 2020 on Lake Tahoe; and

22 WHEREAS, the complaint having stated the facts and circumstances upon which said
23 exoneration or limitation is claimed; and

24 WHEREAS, it appearing that the claims that may be made against Plaintiffs-in-Limitation
25 may be in amounts which will exceed the value of the interest of Plaintiffs-in-Limitation in the
26 VESSEL for losses, injuries, and/or damages said to have been occasioned or incurred in
27 consequence of the aforesaid voyage; and

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1 WHEREAS, the surety for Plaintiffs-in-Limitation has given security for damages in costs
2 herein;

3 AND NOW THEREFORE, on application of Browne Green, LLC, counsel for Plaintiff-in-
4 Limitation, it is hereby:

5 ORDERED that the Clerk of this Court issue a notice forthwith, in the form submitted with
6 this Order, to all persons or entities asserting claims with respect to which the complaint seeks
7 exoneration or limitation, admonishing them to file their respective claims with the Clerk of the
8 Court and serve attorneys for Plaintiffs-in-Limitation with a copy thereof within 30 days of the
9 issuance of the notice;

10 AND IT IS FURTHER ORDERED that public notice shall be given by publication thereof
11 in the newspaper known as "San Francisco Chronicle" and that such notice shall be published
12 once a week for four consecutive weeks prior to the date affixed herein for filing of claims;

13 AND IT IS FURTHER ORDERED that not later than the date of the second publication of
14 said notice, Plaintiffs-in-Limitation shall mail a copy of said notice to every person or concern, if
15 any, known to have made any claim against Plaintiff-in-Limitation as a result of the incident
16 involving the VESSEL on or about July 16, 2020;

17 AND IT IS FURTHER ORDERED that the continued prosecution of any and all suits,
18 actions or proceedings which may already have begun against Plaintiffs-in-Limitation in any court
19 whatsoever to recover damages arising out of, or occasioned by, or consequent upon the aforesaid
20 voyage or trip of the VESSEL on or about July 16, 2020, and institution or prosecution of any suits,
21 actions or legal proceedings of any nature description whatsoever in any court wheresoever, except
22 in this proceeding for exoneration from or limitation of liability, against Plaintiffs-in-Limitation, in
23 respect of any claim or claims arising out of the aforesaid voyager trip on which the VESSEL was
24 then engaged, or otherwise subject to limitation proceeding, be and the same are hereby are stayed
25 and restrained;

26 AND IT IS FURTHER ORDERED that a certified copy of this order as a restraining order
27 shall be served by certified mail, return receipt requested, on the person or persons, or entity or
28 entities, to be restrained, or to their respective attorneys or representatives;

1 AND IT IS FURTHER ORDERED that the publication and mailing of copies of the Notice
2 to Claimants, required by Rule F(4), Supplemental Rules for Certain Admiralty and Maritime
3 Claims, Federal Rules of Civil Procedure, shall constitute due notice to all persons asserting claims
4 with respect to which said complaint seeks limitation or exoneration.

5 IT IS SO ORDERED.

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8 Dated: April 27, 2021



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10 Hon. Miranda M. Du
11 U.S. District Court Judge
12 DISTRICT OF NEVADA
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