

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
Eastern Division – In Admiralty**

IN THE MATTER OF THE COMPLAINT
OF DIVINE MERCY, LLC
AS OWNER OF THE FISHING VESSEL
DIVINE MERCY

Civil Action No. 4:17-cv-00077-D

**ENTRY OF DEFAULT AGAINST
NON-APPEARING PARTIES AND NON-ASSERTED CLAIMS**

This Cause having come before the undersigned Clerk of Court on Limitation Plaintiff's Request for Entry of Default Against Non-Appearing Parties and Non-Asserted Claims, and having reviewed the record herein, the undersigned finds that:

1. Limitation Plaintiff filed on June 5, 2017, a Complaint for Exoneration from or Limitation of Liability pursuant to the Limitation of Liability Act, 46 U.S.C. §§ 30501-30512, and Supplemental Rule F for any injuries, damages, or losses of whatever description arising from the Voyage of the Fishing Vessel DIVINE MERCY (the "Vessel") on April 7, 2016.

2. Pursuant to Supplemental Rule F(4), a Notice of Complaint in Admiralty for Exoneration from or Limitation of Liability ("Notice") was duly issued by the Clerk on June 6, 2017 (DE-9), giving notice to "(a)ll persons having claims" with respect to the voyage of the DIVINE MERCY on April 7, 2016, while the vessel was on the navigable waters of the United States." The Notice directed that all persons having such claims must file them as provided for in Supplemental Rule F with the Clerk of Court, and serve on or mail to Limitation Plaintiff's attorney a copy on or before July 27, 2017, "or be defaulted," and directed any claimant desiring to contest Limitation Plaintiff's allegations to file an answer to the Complaint as required by the aforesaid Supplemental Rule F(5).

3. Also pursuant to Supplemental Rule F(4), the Court issued an Order of

Publication (DE-7) on June 6, 2017, ordering that public notice be given by publication thereof in The Raleigh News and Observer newspaper, and that Limitation Plaintiff shall also mail, not later than the day of the second publication, a copy of said Notice to every person known to have made any claim against Limitation Plaintiff arising out of the said incident that is the subject of the limitation action. Said mailing and public notice has been made. *See* Notice of Filing Affidavit of Publication (DE-10).

4. The deadline for receipt of claims and answers has expired. The following Claim and Answers have been submitted:

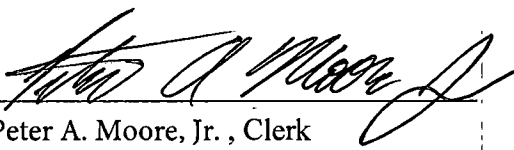
- a. Answer of Rafael Olmos (DE-13), filed on August 15, 2017; and
- b. Claim of Rafael Olmos (DE-14), filed on August 15, 2017.

5. In his Claim (DE-14), Olmos makes a claim in excess of five hundred thousand dollars (\$500,000) due to the Jones Act negligence of DIVINE MERCY, LLC and unseaworthiness of the Fishing Vessel DIVINE MERCY.

6. No other person or party has filed any claims or pleadings in this matter.

THEREFORE, default is hereby entered against all other parties having an interest in this matter, and as to all claims arising from the Voyage at issue, except the Claim asserted by Rafael Olmos, in this action.

This the 15 day of September, 2017.


Peter A. Moore, Jr., Clerk
United States District Court
Eastern District of North Carolina