

07-CV-05403-ORD

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UNITED STATES DISTRICT COURT
FOR THE WESTERN OF WASHINGTON
AT TACOMA

In The Matter Of:

IN ADMIRALTY

THE COMPLAINT OF DAVID AND JONI
COVER AND THE MARITAL
COMMUNITY THEREOF, as owner and
operator of X-TA-SEA for Exoneration from
or Limitation of Liability,

07-5403 BHS
ORDER APPROVING NOTICE OF
VALUE, DIRECTING MONITION
AND ISSUING INJUNCTION

Petitioner.

WHEREAS, it satisfactorily appears to the above-entitled Court:

1. That David and Joni Cover and the Marital Community thereof (collectively "Cover"), as owner and operator of the X-TA-SEA, has duly filed its Complaint for Exoneration from or Limitation of Liability, therein praying for (a) the acceptance and approval of the deposit for cost by the Court; (b) due issuance of the usual Monition to and against all persons claiming damages for any damage, loss, or injury to any person or property arising or resulting from the February 5, 2007 fire and destruction of the X-TA-SEA; (c) due public notice to all persons of such Monition according to all applicable rules; and (d) issuance of an injunction restraining both the institution and further prosecution of any and all suits or actions or other proceedings of any character whatsoever in any Court whatsoever (excepting this

ORDER APPROVING NOTICE OF VALUE,
DIRECTING MONITION AND ISSUING INJUNCTION

ATTORNEYS AT LAW
BAUER MOYNIHAN & JOHNSON LLP
2101 FOURTH AVENUE - Suite 2400
SEATTLE, WA 98121-2320
(206) 443-3400

1 proceeding) against Cover based on or connected with any claim or claims directly or indirectly
2 related to the February 5 fire described in the Complaint.

3 2. That with the Complaint, Cover also filed its Notice of Value and submitted for costs
4 the sum of \$500.00.

5 **ORDER**

6 **THEREFORE**, on motion on behalf of Cover, appearing through its attorneys of record,
7 Bauer Moynihan & Johnson LLP, this Court hereby enters its order as follows:

8 1. That, subject to further order of this Court, because the value of the vessel after the
9 fire was zero there is no need to file security for limitation herein.

10 2. That the sum submitted for costs in the amount of \$500.00, as duly filed, be now
11 adjudged in all respects adequate and proper, it is hereby ordered and accepted, subject to
12 further order of this Court, as a deposit for costs herein.

13 3. That a Monition of this Court in due form according to its practices and complying
14 with the applicable Federal Rules of Civil Procedure shall be issued by the Clerk forthwith
15 against all persons claiming damages for any damage, loss, or injury of person or property
16 arising or resulting from February 5, 2007 fire citing them and requiring each of them to file
17 their respective claims with the Clerk of this Court and to serve on or mail to the attorney for
18 Cover, Donald K. McLean, Bauer Moynihan & Johnson LLP, 2101 Fourth Avenue, Suite 2400,
19 Seattle, Washington 98121, a copy thereof before or on the return date specified in said
20 Monition being the 2nd day of October, 2007, or other date not less than thirty (30) days after
21 the issuance of said Monition unless for cause shown the return date is deferred by order of this
22 Court.

23 4. That public notice of the Monition shall be given by the United States Marshal by
24 publication of such notice once each week for four (4) consecutive weeks before the return date
25 in the Seattle Daily Journal of Commerce as prescribed by Supplementary Admiralty Rule F of
26 the Federal Rules of Civil Procedures and LAR 150.

ORDER APPROVING NOTICE OF VALUE,
DIRECTING MONITION AND ISSUING INJUNCTION

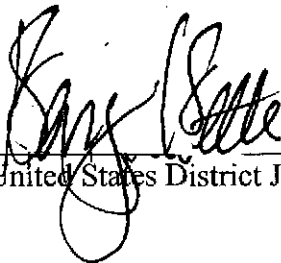
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1 5. That an injunction is hereby issued prohibiting, restraining, and staying both the
2 institution and the further prosecution of any and all suits or actions or other legal proceedings
3 of any character whatsoever in any court whatsoever (except only in this proceeding and this
4 Court), against Cover based on or connected with any claim directly or indirectly related to the
5 February 5, 2007 fire as described in the Complaint.

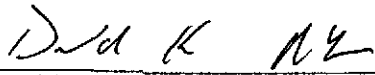
6 6. That service of this order as restraining order shall be made within this District in the
7 usual manner and in any other District by delivering a certified copy of this order to the person
8 or persons to be restrained, or to their respective attorneys or representatives.

9
10 DATED this 9 day of August, 2007.

11
12 
13 _____
14 United States District Judge

15 Presented By:

16 BAUER MOYNIHAN & JOHNSON LLP

17 
18 _____
19 Donald K. McLean, WSBA No. 24158
20 Attorneys for Petitioners David and Joni Cover
21 and The Marital Community Thereof
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