

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-60815-CIV-DAMIAN/Valle

JANUSZ SENDOWSKI,

Plaintiff,

v.

M/Y MONARCH, *et al.*,

Defendants.

ORDER ADOPTING REPORT & RECOMMENDATION [ECF NO. 71]

THIS CAUSE came before the Court on Magistrate Judge Alicia O. Valle's Report and Recommendation, entered on January 20, 2026 [ECF No. 71 (the "Report")], on Plaintiff, Janusz Sendowski's ("Plaintiff"), Motion to Allocate and Compel Payment of Substitute Custodian Charges, filed on July 24, 2025 [ECF No. 52 (the "Motion")].

THE COURT has reviewed the Report, the Motion and the Exhibits attached thereto, Defendant Blue Sea 1, LLC's Response in opposition to the Motion [ECF No. 56], and the pertinent portions of the record and is otherwise fully advised.

After carefully considering the Motion and its associated briefing, Judge Valle issued the Report, recommending that the Motion be granted.

In short, Plaintiff, who has arrested Defendant *M/Y Monarch* ("Vessel"), seeks to share the costs incurred from the Substitute Custodian's preservation and custody of the Vessel with other parties claiming an interest in the Vessel, such as Defendant Blue Sea 1, LLC and Defendant BMO Bank, N.A. *See generally* Mot.

In the Report, Judge Valle analyzed Local Admiralty Rule E(5)(b) and the Eleventh Circuit's opinion in *Donald D. Forsht Assocs., Inc. v. Transamerica ICS, Inc.*, 821 F.2d 1556

(11th Cir. 1987), and concluded that it would be inequitable to impose all the custodial charges on the Plaintiff simply because he was the one to arrest the Vessel because all stakeholders benefit from the Vessel's continued maintenance and preservation during the pendency of the litigation. *See generally* Rpt.

No party filed objections to the Report, and the time for doing so has expired. *See generally* Docket. Further, Defendants Blue Sea 1, LLC (who filed the Response in opposition to the Motion) and BMO Bank, N.A. filed Notices of Non-Objection to Judge Valle's Report. *See* ECF Nos. 72, 73.

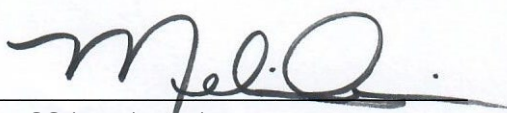
When a magistrate judge's "disposition" has properly been objected to, district courts must review the disposition *de novo*. Fed. R. Civ. P. 72(b)(3). When no party has timely objected, however, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72 advisory committee's notes (citation omitted). Although Rule 72 itself is silent on the standard of review, the Supreme Court has acknowledged Congress's intent was to only require a *de novo* review where objections have been properly filed, not when neither party objects. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate [judge]'s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.").

The undersigned has reviewed the Report, the Motion and the Exhibits thereto, Blue Sea 1, LLC's Response, the record, and the applicable law to assure herself that no clear error appears on the face of the record. In light of that review, the undersigned agrees with the analysis and well-reasoned recommendations stated in Judge Valle's Report and agrees with Judge Valle's conclusions. Accordingly, it is

ORDERED AND ADJUDGED that the Report [ECF No. 71] is **AFFIRMED AND ADOPTED** as follows:

1. The Motion [ECF No. 52] is **GRANTED**.
2. Defendants Blue Sea 1, LLC and BMO Bank, N.A. shall each be responsible for one-third of the custodial charges incurred while the Vessel remains under arrest, including reimbursement to Plaintiff of amounts already paid and contribution toward future custodial charges during the pendency of the action.
3. The parties shall meet and confer to agree on a Payment Schedule, in accordance with Judge Valle's instruction in the Report, to be filed with this Court by **February 6, 2026**.

DONE AND ORDERED in Chambers in the Southern District of Florida this 2nd day of February, 2026.



MELISSA DAMIAN
UNITED STATES DISTRICT JUDGE

cc: Magistrate Judge Alicia O. Valle
Counsel of Record