

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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

JANUSZ SENDOWSKI,

Plaintiff,

v.

M/Y MONARCH, *et al.*,

Defendants.

\_\_\_\_\_ /

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT AS TO COUNT II**

**THIS CAUSE** came before the Court on Plaintiff, Janusz Sendowski's ("Plaintiff" or "Sendowski"), Motion for Summary Judgment on Counts I-III of the Emergency Verified Complaint ("Motion") [ECF No. 89], filed on March 13, 2026.

The Court has reviewed the Motion and the parties' memoranda and submissions relevant thereto, the record, the applicable law, and heard the arguments of counsel presented at the May 21, 2026 hearing (the "Hearing") [ECF No. 125] and is otherwise fully advised. For the reasons stated on the record and as set forth below, this Court finds that Sendowski is entitled to summary judgment as to Count II (Action to Discharge Claim of Lien Pursuant to Commercial Instruments and Maritime Lien Act, 46 U.S.C. § 31301, *et seq.*), in which Sendowski seeks discharge of the Notice of Claim of Lien recorded by Defendant Monarch Assets, LLC against M/Y MONARCH, a 1992 98' Westship with Hull Identification Number WPS07517B092, her engines, equipment, tackle, furnishings, and other appurtenances ("Defendant Vessel").

## I. LEGAL STANDARD

“A party may move for summary judgment, identifying each claim or defense—or the part of each claim or defense—on which summary judgment is sought.” Fed. R. Civ. P. 56(a). “The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” *Id.* In reviewing a motion for summary judgment, the Court is “required to view the evidence and all factual inferences therefrom in the light most favorable to the non-moving party, and resolve all reasonable doubts about the facts in favor of the non-movant.” *Feliciano v. City of Miami Beach*, 707 F.3d 1244, 1247 (11th Cir. 2013) (quoting *Skop v. City of Atlanta*, 485 F.3d 1130, 1143 (11th Cir. 2007)). Importantly, “at the summary judgment stage the judge’s function is not himself [or herself] to weigh the evidence and determine the truth of the matter,” but only “to determine whether there is a genuine issue for trial.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986).

In opposing a motion for summary judgment, the non-moving party may not rely solely on the pleadings but must show by affidavits, depositions, answers to interrogatories, and admissions that specific facts exist demonstrating a genuine issue for trial. *See* Fed. R. Civ. P. 56(c), (e); *see also Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986). A mere “scintilla” of evidence supporting the opposing party’s position will not suffice; instead, there must be a sufficient showing that the jury could reasonably find for that party. *Anderson*, 477 U.S. at 252; *see also Walker v. Darby*, 911 F.2d 1573, 1577 (11th Cir. 1990).

“An issue of fact is material if it is a legal element of the claim under the applicable substantive law which might affect the outcome of the case.” *Burgos v. Chertoff*, 274 F. App’x 839, 841 (11th Cir. 2008) (quoting *Allen v. Tyson Foods Inc.*, 121 F.3d 642, 646 (11th Cir. 1997) (internal quotation marks omitted)). “A factual dispute is genuine ‘if the evidence is such that

a reasonable jury could return a verdict for the non[-]moving party.’” *Channa Imps., Inc. v. Hybur, Ltd.*, No. 07-21516-CIV, 2008 WL 2914977, at \*2 (S.D. Fla. July 25, 2008) (Simonton, M.J.) (quoting *Anderson*, 477 U.S. at 248). Further, “[f]or factual issues to be considered genuine, they must have a real basis in the record. For instance, mere conclusions and unsupported factual allegations are legally insufficient to defeat a summary judgment motion.” *Ellis v. England*, 432 F.3d 1321, 1326 (11th Cir. 2005) (citation omitted).

## II. DISCUSSION

In Count II of Sendowski’s Emergency Verified Complaint [ECF No. 1], Sendowski seeks discharge of a recorded notice of claim of lien pursuant to 46 U.S.C. § 31343(c)(2). Under that statute, a federal district court may declare that a recorded notice of claim of lien is invalid and may order the Secretary of Transportation to record a certificate of discharge if the court determines that the lien is invalid. The statute also authorizes the court to award costs and attorneys’ fees to the prevailing party unless the court finds that the position of the other party was substantially justified or that other circumstances make an award unjust. *See* 46 U.S.C. § 31343(c)(2).

Here, the undisputed record establishes the necessary requirements to discharge the recorded notice of claim of lien. First, Monarch Assets, LLC recorded a Notice of Claim of Lien with the United States Coast Guard, National Vessel Documentation Center, against the Defendant Vessel in the amount of \$1,185,489.07. *See* ECF No. 88 ¶ 40; ECF No. 93 ¶ 40; ECF No. 96 ¶ 40. Second, the Notice of Claim of Lien identifies Monarch Assets, LLC as the purported lienor and states that the lien arose from alleged mechanical and vessel repairs. [ECF No. 88-20 at 1]. Third, at the time the Notice of Claim of Lien was recorded, Monarch Assets, LLC was the sole manager and owner of Blue Sea 1, LLC, the entity that owned the Defendant Vessel. *See* ECF No. 88 ¶ 41; ECF No. 93 ¶ 41; ECF No. 96 ¶ 41.

The Eleventh Circuit has held that joint venturers and parties who exercise control over a vessel cannot claim maritime liens against that vessel because they do not stand at arm's length from the vessel. *Fulcher's Point Pride Seafood, Inc. v. M/V Theodora Maria*, 935 F.2d 208, 212-13 (11th Cir. 1991). Courts examine the whole relationship between the parties to determine whether the purported lienor acted as an independent supplier or functioned instead as an owner, manager, insider, or other participant in the vessel enterprise. *Id.*

Here, the undisputed record establishes that Monarch Assets, LLC was not a stranger to the Defendant Vessel. Blue Sea 1, LLC was formed as a manager-managed Florida limited liability company. *See* ECF No. 88 ¶ 4; ECF No. 93 ¶ 4; ECF No. 96 ¶ 4. Under Florida law, in a manager-managed limited liability company, matters relating to the activities and affairs of the company are decided by the manager. § 605.0407(3), Fla. Stat. Monarch Assets, LLC was the manager of Blue Sea 1, LLC at the time the Notice of Claim of Lien was recorded. *See* ECF No. 88 ¶ 41; ECF No. 93 ¶ 41; ECF No. 96 ¶ 41. Accordingly, Monarch Assets, LLC occupied a managerial position with respect to the entity that owned the Defendant Vessel and cannot claim the status of an arm's-length supplier or stranger to the vessel. Because Monarch Assets, LLC was not a stranger to the Defendant Vessel, the Notice of Claim of Lien is invalid as a matter of maritime law. *See Fulcher's Point*, 935 F.2d at 211.

No party raised a genuine dispute of material fact to preclude summary judgment as to Count II. Defendants submitted no competent record evidence creating a genuine dispute as to Blue Sea 1, LLC's manager-managed structure, Monarch Assets, LLC's status as manager, or the relationship between Monarch Assets, LLC and the vessel-owning entity. This Court further finds that Monarch Assets, LLC's position in recording and defending the Notice of Claim of Lien was not substantially justified and that no other circumstances make an award of fees and costs unjust. *See* 46 U.S.C. § 31343(c)(2).

### III. CONCLUSION

For the reasons stated on the record during the May 21, 2026 Hearing and above, this Court finds that the Notice of Claim of Lien recorded by Monarch Assets, LLC against the Defendant Vessel is invalid and must be discharged pursuant to 46 U.S.C. § 31343(c)(2). This Court further finds that Plaintiff, Janusz Sendowski, is entitled to recover his reasonable attorneys' fees and costs incurred in obtaining discharge of the invalid Notice of Claim of Lien. Accordingly, it is

**ORDERED AND ADJUDGED** as follows:

1. Plaintiff Janusz Sendowski's Motion for Summary Judgment [ECF No. 89] is **GRANTED** as to Count II of the Emergency Verified Complaint.
2. The Notice of Claim of Lien recorded by Monarch Assets, LLC against M/Y MONARCH, a 1992 98' Westship with Hull Identification Number WPS07517B092, her engines, equipment, tackle, furnishings, and other appurtenances, in the amount of \$1,185,489.07, is hereby declared **INVALID**.
3. The Notice of Claim of Lien recorded by Monarch Assets, LLC against the Defendant Vessel shall be **DISCHARGED** pursuant to 46 U.S.C. § 31343(c)(2).
4. The National Vessel Documentation Center and any other appropriate office of the United States Coast Guard shall record an appropriate certificate of discharge, or this Order if accepted for recording, against the Defendant Vessel to reflect that the Notice of Claim of Lien recorded by Monarch Assets, LLC has been discharged.
5. This Court finds that Monarch Assets, LLC's position in recording and defending the Notice of Claim of Lien was not substantially justified, and that no other circumstances make an award of fees and costs unjust; accordingly, Sendowski is entitled to

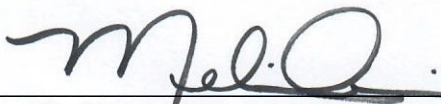
recover from Monarch Assets, LLC his reasonable attorneys' fees and costs incurred in obtaining discharge of the Notice of Claim of Lien pursuant to 46 U.S.C. § 31343(c)(2).

6. This Court reserves jurisdiction to determine the amount of Sendowski's recoverable attorneys' fees and costs upon separate motion filed in accordance with Federal Rule of Civil Procedure 54(d) and Local Rule 7.3.

7. Nothing in this Order adjudicates Sendowski's entitlement to summary judgment on Counts I or III, as to which the Court has reserved ruling.

To the extent the Court made additional or more detailed rulings on the record that are not memorialized in this written Order, those rulings are binding on the parties as set forth on the record.

**DONE AND ORDERED** in Chambers in the Southern District of Florida, this 23rd day of June, 2026.

  
**MELISSA DAMIAN**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record

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