

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

STEVE SEWELL, INC.,

Plaintiff,

v.

Case No. 2:21-cv-753-SPC-NPM

POTENTIAL CLAIMANTS,

Defendant.

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**REPORT & RECOMMENDATION**

Before the court is a motion for entry of default judgment against all non-filing claimants (Doc. 51). No response to the motion has been filed and the time to respond has lapsed.

This action concerns an incident occurring on or about July 1, 2021, on the navigable waters of the United States, namely, waters approximately sixty nautical miles west of Sanibel, Florida. In October 2021, plaintiff Steve Sewell, Inc., filed a complaint for exoneration from or limitation of liability pursuant to the Shipowner's Limitation of Liability Act, 46 U.S.C. § 30501 *et seq*, and Supplemental Admiralty Rule F. (Doc. 1). Thereafter, the court provided for notice of this action to potential claimants and enjoined the pursuit of their claims in other fora. (Doc. 7). And on pain of default, the court directed all potential claimants to file their claims or answers by January 24, 2022.

The deadline for receipt of claims and answers expired and only Roy Bennett, Daniel Berry, Mark Firing, Joe Fowler, Vaughn Fowler, and Luis Nunez filed claims and answers in this matter. Consequently, all non-filing claimants—that is, all claimants having an interest in this matter other than Roy Bennett, Daniel Berry, Mark Firing, Joe Fowler, Vaughn Fowler, and Luis Nunez—have been declared in default. (Doc. 49). And by defaulting for failing to answer, all such non-filing claimants admit that Steve Sewell, Inc., is entitled to exoneration. FED. R. CIV. P. 8(b)(6) (“An allegation—other than one relating to the amount of damages—is admitted if a responsive pleading is required and the allegation is not denied.”).

Steve Sewell, Inc., has complied with the Federal Rules, the Supplemental Rules for Certain Admiralty and Maritime Claims, and the court’s Admiralty and Maritime Practice Manual. Accordingly, the motion for entry of default (Doc. 51) should be granted and the Clerk should be directed to enter a default judgment of exoneration in favor of Steve Sewell, Inc., against all non-filing claimants.

**REPORTED** on June 27, 2021.

  
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NICHOLAS P. MIZELL  
UNITED STATES MAGISTRATE JUDGE

## NOTICE TO PARTIES

A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1. **To expedite resolution, parties may file a joint notice waiving the 14-day objection period.**