

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

FREEDOM MARINE SALES, LLC,  
as titled owner, and Freedom Boat  
Club, LLC, as owner pro hac vice of  
and for the M/V “Hopma On  
Board”, a 22 Godfrey 2286 Pontoon  
Boat, hull identification number  
GDY65231B222, her engines,  
tackle and appurtenances,

Petitioner.

Case No.: 2:23-cv-905-JLB-KCD

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**ORDER**

Before the Court is Petitioner’s Motion for Entry of Order Approving Ad Interim Stipulation and Directing Issuance of Monition and Injunction (Doc. 4), and Petitioner’s Motion Directing Court to Issue Notice of Petition (Doc. 5).

Petitioner is the owner of a 2022 Godfrey 2286 pontoon boat (the “Vessel”), that was involved in a maritime accident on April 22, 2023, in the navigable waters near Sanibel, Florida. (Doc. 1.) According to the pleadings, passenger Nadya Sandoval was injured when the Vessel was anchored and running. (*Id.*)

Petitioner now asks that the Court to (1) approve the ad interim stipulation (Doc. 2); (2) issue a monition and notice to all potential claimants; and (3) impose an injunction under Supplemental Rule F precluding the

further prosecution of any proceedings against Petitioner arising from any claims subject to limitation.

The motions can be denied in short order because the ad interim stipulation is deficient. This shouldn't come as a surprise because the language of the stipulation—that Petitioner will issue a letter of undertaking or deposit a surety bond following a demand by the claimant (Doc. 2 at 2)—mirrors the language rejected by Judge Tuite in a Tampa case filed by the same counsel as here. *See In re Mongelli*, No. 8:23-cv-1618-TPB-CPT, 2023 WL 5104895, at \*2-3 (M.D. Fla. Aug. 9, 2023). For the same reasons found by Judge Tuite, the ad interim stipulation (Doc. 2) is rejected.<sup>1</sup>

Accordingly, Petitioner's Motion for Entry of Order Approving Ad Interim Stipulation and Directing Issuance of Monition and Injunction (Doc. 4), and Petitioner's Motion Directing Court to Issue Notice of Petition (Doc. 5) are **DENIED WITHOUT PREJUDICE**. Petitioner may refile the motions and supporting documents to cure the deficiencies in a similar fashion to those ultimately approved in the Tampa case.

**ORDERED** in Fort Myers, Florida this October 25, 2023.

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<sup>1</sup> Petitioner did attach an "Affidavit of Value" from Harbor & Ocean Service Inc. to the Complaint. (Doc. 1-1.) The affidavit states that the value of the vessel is \$32,000. (Doc. 1-1.) Yet the ad interim stipulation makes no mention of the affidavit, stating only that Petitioner will deposit a surety bond in the Court registry after the entry of an order confirming the report of a commissioner to be appointed to appraise the Vessel. (Doc. 2 at 2.) The affidavit and the stipulation don't seem to go together, nor does the motion for approval discuss the affidavit.



Kyle C. Dudek  
United States Magistrate Judge

Copies: All Parties of Record