

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

_____ /

ORDER

Before the Court is Petitioner’s Amended Motion for Entry of Order Approving Ad Interim Stipulation and Directing Issuance of Monition and Injunction (Doc. 13) and Petitioner’s Amended Motion Directing Court to Issue Notice of Petition (Doc. 14).

Petitioner filed a Petition for Exoneration from or Limitation of Liability regarding a 2022 Godfrey 2286 pontoon boat (the “Vessel”), bearing Hull Identification No. GDY65231B222, pursuant to 46 U.S.C. § 30501, *et seq.* and Supplemental Rule F, for damages, injuries, or fatalities caused by or resulting from an incident occurring on or about April 22, 2023, in the navigable waters at or near Sanibel, Florida (the “Petition”) (Doc. 1.)

The Petition states the value of Petitioner's interest in the Vessel does not exceed \$32,000, supported by an Affidavit of Value. (Docs. 1, 1-1.) Further, and in accordance with Supplemental Rule F(1), Petitioners filed an Amended Ad Interim Stipulation of Value not less than or equal to the amount or value of their interest in the vessel and pending freight, if any, as required by the rules of this Court and by the law, specifically Rule F(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims for the Federal Rules of Civil Procedure. (Doc. 12.).

In addition, Petitioner filed a Letter of Undertaking ("LOU") signed by a representative of Chubb North America, as security for any claims stemming from the incident. (Doc. 12-1.) In its LOU, Chubb states that it will guarantee payment of any potential obligations in this action up to \$32,000, together with costs and interest at six percent. (*Id.* at 2.) Based upon these representations, the Petitioner now requests that the Court (1) approve the security; (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 the Petitioner arising from any claims subject to limitation. (Docs. 13, 14.)

Upon consideration, the Motions (Docs. 13, 14) are sufficiently supported and are **GRANTED**. Accordingly, it is hereby **ORDERED**:

1. The Petitioner's Motion for Entry of Order Approving Amended Ad Interim Stipulation and Directing Issuance of Monition and Injunction (Doc. 13) and Amended Motion Directing Court to Issue Notice of Petition (Doc. 14) are **GRANTED**.
2. The Amended Ad Interim Stipulation for the value of the Vessel, in the amount of \$32,000, together with costs within the meaning of Supplemental Rule F(1), and with annual interest at six percent, filed by the Petitioner as principal and Chubb as surety, is accepted as adequate security and is approved as to form and quantum. *See* Doc. 12.
3. This Court, upon motion, shall cause due appraisalment of such value and may thereupon order the said security increased or reduced to carry out the provisions of 46 U.S.C. § 30501, *et seq.* for death, personal injuries, property damage, or any other claims resulting from the incident that occurred on April 22, 2023, referred to in the Petition.
4. If the amount of the Amended Ad Interim Stipulation is not disputed by any claimant, the Amended Ad Interim Stipulation shall stand as a stipulation for value and an appraisal shall not be required.
5. The Monition (Doc. 13-1) will enter separately.

6. The commencement or further prosecution of any action or proceeding against the Petitioner, the Vessel, or other property of the Petitioner with respect to any claims for which the Petitioner seeks exoneration from or limitation of liability herein, including any claim arising out of or incident to or connected with any loss, damage, injury, death, or destruction, more fully described in the amended complaint, be and the same is hereby restrained, stayed, and enjoined until the hearing and determination of this action.
7. By **December 15, 2023**, all persons or entities claiming damage for any and all loss, destruction, damage, injuries, and/or death allegedly as a result of the occurrences and happenings recited in the complaint must file their respective claims with the clerk of this court and serve on or mail to plaintiffs' counsel copies thereof. By the same date, all persons or entities presenting claims and desiring to contest the allegations of the complaint must file an answer to the complaint in this court and must serve on or mail to plaintiffs' counsel copies thereof or be defaulted. The **Clerk** is **DIRECTED** to issue the attached notice of petition.
8. Publication of the aforesaid notice in the form required by Supplemental Rule F(4) be published in a newspaper of general circulation in the Lee County area once a week for four (4) successive

weeks prior to the date fixed for the filing of claims, and copies of the notice shall also be mailed in accordance with Supplemental Rule F.

9. Service of this Order as a restraining order may be made through the Post Office by mailing a confirmed copy thereof to the person or persons to be restrained, or to their respective attorneys, or alternatively, by hand delivery.

ORDERED in Fort Myers, Florida this November 1, 2023.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
IN ADMIRALTY**

FORT MYERS DIVISION

Case No.: 2:23-cv-00905-JLB-KCD

IN RE:

PETITION OF 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 2022 Godfrey 2286 Pontoon Boat, hull identification number GDY65231B222, her engines, tackle, and appurtenances,

Petitioners. /

**NOTICE OF PETITION FOR EXONERATION
FROM OR LIMITATION OF LIABILITY**

NOTICE is hereby given that FREEDOM MARINE SALES LLC and FREEDOM BOAT CLUB LLC (hereinafter, “Petitioners”), as titled owner and owner *pro hac vice*, respectively, of and for the M/V “Hopma On Board”, a 2022 Godfrey 2286 Pontoon Boat, hull identification number GDY65231B222, her engines, tackle, and appurtenances (hereinafter, the “Vessel”) have filed a Petition claiming the benefits of exoneration from and/or limitation of liability according to law and as provided in Section 30501 *et seq.* of Title 46, United States Code, Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the

Federal Rules of Civil Procedure, and the statutes supplemental thereto and amendatory thereof, and also contesting liability independently of the limitation of liability claimed in said Petition for any loss, damage or injury occurring on or about April 22, 2023, in navigable waters at or near Sanibel, Florida as described in the Petition and said Petition also stating the facts and circumstances upon which exoneration from and/or limitation of liability is claimed.

All persons or corporations having claims arising out of the events mentioned above and as more particularly described in the Petition must present them as provided in Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, to the Clerk, United States District Courthouse for the Middle District of Florida, Fort Myers Division, located at 801 North Florida Avenue, Tampa, FL 33602 and serve on or mail copies thereof to the Petitioners' attorney, CHARLES S. DAVANT, ESQUIRE, DAVANT LAW, P.A., 12 Southeast 7th Street, Suite 601, Fort Lauderdale, FL 33301 *on or before* **December 15, 2023** or be defaulted. Personal attendance is not required.

Any claimant desiring to contest the allegations of the Petition shall file and serve on counsel for Petitioners, an Answer to the Petition on or before the aforesaid date unless the Claim includes an Answer so designated or be defaulted.

Dated at Fort Myers, Florida this _____ day of _____, 2023.

United States District Court
Middle District of Florida
By Deputy Clerk

Copies furnished to:
Charles S. Davant, Esq.
Brandon Bushway, Esq.