

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

IN ADMIRALTY

CASE NO. 24-cv-21872-ALTMAN/Sanchez

In The Matter of the Complaint for
Exoneration from or Limitation of Liability by
FUTURE MANAGEMENT COMPANY, LLC
and NICHOLAS AULER, as Owner and
Beneficial Owner of the 1999 Sea Ray 630
Sundancer Motor Vessel, Bearing Hull
Identification No. SER Y0479G899,

Petitioners.

ORDER

On May 14, 2024, the Petitioners filed their Complaint for Exoneration from or Limitation of Liability (the “Complaint”) [ECF No. 1] under 46 U.S.C. § 30501, *et seq.* (the Shipowner’s Limitation of Liability Act) as related to a November 20, 2022 “incident” involving the 1999 Sea Ray 630 Sundancer motor vessel named “Mr. Chief” and bearing hull identification number SER Y0479G899 (the “Vessel”). *See* Complaint ¶¶ 5, 7. Several days later, we approved “the amount or value of the Petitioners’ interest in the Vessel”; directed the Clerk of Court to “issue a **NOTICE** to all persons asserting claims with respect to which the Complaint seeks exoneration or limitation admonishing them to **file their respective claims** with the Clerk of this Court in writing, and to serve on the attorneys for the Petitioners a copy thereof by **August 16, 2024**, or be defaulted”; and “**RESTRAINED, STAYED, and ENJOINED**” the “further prosecution of any and all actions, suits and proceedings already commenced and the commencement or prosecution thereafter of any and all suits, actions, or proceedings, of any nature and description whatsoever in any jurisdiction.” Order Approving Security, Directing Issuance of Notice, and Restraining Suits [ECF No. 3]. We also published a Notice to Claimants of Complaint for Exoneration from or Limitation of Liability [ECF

No. 4].

On August 12, 2024, eight Claimants filed Answers [ECF Nos. 7–14]. And, two days later, the Claimants collectively filed a Motion to Dissolve Injunction, Stay Limitation Action, and Allow the Claimant to Proceed in State Court with Protective Stipulations (the “Motion to Dissolve”) [ECF No. 15]. The Petitioners have since filed a Notice of No Opposition [ECF No. 20]. Under the Shipowner’s Limitation of Liability Act (the “Act”):

The district court secures the value of the vessel or owner’s interest, marshals claims, and enjoins the prosecution of other actions with respect to the claims. In these proceedings, the court, sitting without a jury, adjudicates the claims. The court determines whether the vessel owner is liable and whether the owner may limit liability. The court then determines the validity of the claims, and if liability is limited, distributes the limited fund among the claimants.

Lewis v. Lewis & Clark Marine, Inc., 531 U.S. 438, 448 (2001). But, under 28 U.S.C. § 1333, “[t]he district courts shall have original jurisdiction, exclusive of the courts of the States, of: (1) Any civil case of admiralty or maritime jurisdiction, *saving to suitors in all cases all other remedies to which they are otherwise entitled.*” 28 U.S.C. § 1333(1) (emphasis added). Here, the “Claimants wish to exercise the rights ‘saved’ to them by 28 U.S.C. § 1333(1) to prosecute their claims against Petitioners at law, before a jury, in the forum they chose.” Motion to Dissolve at 2. Indeed, the “Claimants filed suit in state court against Petitioner Nicholas Auler, whose negligence is alleged [to have] contributed to the incident, [in] *Oprabstine Ewing-Brown, et al. v. Nicholas Auler, an individual, and Captain Dennis Araya*, Miami-Dade County Case No. 23-028769-CA-01 (31).” *Ibid.*

As the Eleventh Circuit has observed, the “exclusivity of admiralty jurisdiction rubs up against the ‘saving to suitors’ clause[.]” *Offshore of the Palm Beaches, Inc. v. Lynch*, 741 F.3d 1251, 1258 (11th Cir. 2014). But the “saving to suitors” clause “embodies a presumption in favor of jury trials and common law remedies in the forum of the claimant’s choice.” *Beiswenger Enter. Corp. v. Carletta*, 86 F.3d 1032, 1037 (11th Cir. 1996). Indeed, “[t]he Supreme Court has limited the tension between the Limitation Act and the ‘saving to suitors’ clause by carving out an exception when a vessel owner faces only a

single claimant.” *Offshore of the Palm Beaches*, 741 F.3d at 1258 (citing *Langnes v. Green*, 282 U.S. 531, 542 (1931)). “In a single claimant case, the district court may, at its discretion, order a stay of the limitation action to allow the claim to be tried in another forum.” *Ibid.* “Before a stay may issue, however, the claimant must enter a series of stipulations that ‘effectively guarantee that the vessel owner will not be exposed to competing judgments in excess of the limitation fund.’” *Ibid.* (quoting *Beiswenger*, 86 F.3d at 1038). And “multiple claimants may invoke the single claimant exception through appropriate stipulations.” *Beiswenger*, 86 F.3d at 1040.

Here, the Claimants have done exactly that. *See* Claimant’s *Beiswenger* Stipulations [ECF No. 15-1]. Satisfied with those Stipulations, the Petitioners have asked us to “enter an order granting the Motion, dissolving the limitation injunction against the state court proceeding, and staying or administratively closing the instant action pending resolution of the state court proceedings.” Notice of No Opposition at 2. And that’s what we’ll do.

Accordingly, we **ORDER and ADJUDGE** as follows:

1. The Claimants’ Motion to Dissolve Injunction, Stay Limitation Action, and Allow the Claimants to Proceed in State Court with Protective Stipulations [ECF No. 15] is **GRANTED**.
2. The Injunction we entered on May 21, 2024, is **LIFTED**.
3. The **Clerk of Court** is directed to **CLOSE** and **STAY** this case. All deadlines and hearings—including the September 3, 2024, status conference—are **TERMINATED**.
4. The parties must give us a **status update** every **90 days**, meaning the first such update will be due on **November 27, 2024**.

DONE AND ORDERED in the Southern District of Florida on August 29, 2024.



ROY K. ALTMAN
UNITED STATES DISTRICT JUDGE

cc: counsel of record