

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

CHASE MALONE,

Plaintiff,

V.

Case No. 3:21-cv-0053

**ISLAND TIME WATERSPORTS
(CARIBBEAN), LLC d/b/a CRUZ BAY
WATERSPORTS AND KEREEM BOYNES,**

Defendants.

IN THE MATTER OF:

Case No. 3:21-cv-0077

**ISLAND TIME WATERSPORTS, LLC d/b/a
CRUZ BAY WATERSPORTS,**

Petitioner.

ORDER

A Complaint having been filed herein by Petitioner, ISLAND TIME WATERSPORTS, LLC d/b/a CRUZ BAY WATERSPORTS (“Cruz Bay Watersports”), as owner of the *ISLAND CHASER*, a 2012 Novurania Chaser 38 motor vessel bearing hull identification number PKD25781B112 and United States Virgin Island Registration: VI 6172TC, and its Engines, Tackle, Appurtenances, Equipment, & Etc. (the “Vessel”), for exoneration from and/or limitation of liability as provided for in the Act of Congress embodied in 46 U.S.C. §§ 30501 *et seq.* and pursuant to Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, together with the statutes supplemental thereto and amendatory thereof, and also contesting their liability independently of the limitation of liability claims under said Acts, Treaty or Code for any loss, damages, deaths, personal injuries, damage or destruction of property or other occurrences arising from the incident which occurred on or about April 17, 2021, on the United States Virgin Islands territorial waters as further described in the Petition for Limitation, and said Complaint also

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stating the alleged facts and circumstances on which such exoneration from or limitation of liability is claimed; And Petitioner having deposited with the Court as security for the benefit of Claims, an *Ad Interim* Stipulation of Value not less than or equal to the amount or value of their interest in the Vessel, as required by the rules of this Court and by the law. Accordingly, it is hereby

ORDERED AND ADJUDGED that the *Ad Interim* Stipulation for the value of Petitioner's interest in the Vessel, for no more than the amount of \$150,000 including interest at the rate of six percent (6%) per annum from date hereof, and filed herein by Petitioners, ECF No. 6, be accepted as *Ad Interim* Stipulation for the purpose of this action and that it be approved as to form and quantum. It is further

ORDERED AND ADJUDGED that Petitioner and any Claimant who may properly become a party hereto may contest the amount of value of Petitioner's interest in the Vessel as fixed in said *Ad Interim* Stipulation, subject to such increases or decreases in the amount of such Stipulation, together with adequate security, as the Court may from time to time order according to the rules and practices of this Court may adjudge. It is further

ORDERED AND ADJUDGED that if the amount of the *Ad Interim* Stipulation is not contested by any Claimant herein, said Stipulation shall stand as a Stipulation for Value and an appraisal by a Commissioner will not be required. Therefore, it is

ORDERED that a Monition issue out of and under the seal of this Court against all persons or corporations 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, to file their respective claims with the Clerk of this Court and to serve on or mail to the attorneys for Petitioner copies thereof on or before **December 28, 2022**, and that all persons or corporations so presenting claims and desiring to contest the allegations of the Complaint shall file an answer to the Complaint in this Court and shall serve on or mail to the attorneys for the Petitioner copies thereof, or be defaulted. It is further

ORDERED that a public notice of said Monition be given by publication as required by Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, once each week for four successive weeks in the "**Virgin Islands**

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Daily News,” prior to the date fixed for the filing of claims in accordance with Supplemental Rule F and that not later than the date of the second weekly publication, a copy of said notice to be mailed by Petitioners to every person or corporation known by the Petitioner to have a claim against Petitioner arising out of the accident set forth in the Complaint. It is further

ORDERED that the commencement or further prosecution of any action, suit or proceeding in any court whatsoever, and the institution and prosecution of any suits, actions or legal proceedings, of any nature or description whatsoever, in any court whatsoever, except in these proceedings, in respect to any claim arising out of, or connected with the incident set forth in the Complaint herein, be and the same are hereby **STAYED AND RESTRAINED** until the final determination of this proceeding. It is finally

ORDERED that the service of this Order as a restraining order in this District may be made in the usual manner as any other district of the United States by delivery by the Marshal of the United States for such District of a certified copy of this Order on the person or persons to be restrained or to their respective attorneys, or alternatively, by mailing a conformed copy of it to the person or persons to be restrained or to their respective attorney.

Dated: September 28, 2022

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge