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8 Attorneys for Plaintiffs
9 TRUTH AQUATICS, INC. AND
10 GLEN RICHARD FRITZLER AND DANA
11 JEANNE FRITZLER, INDIVIDUALLY AND AS
12 TRUSTEES OF THE FRITZLER FAMILY TRUST
13 DTD 7/27/92

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

Gordon Rees Scully Mansukhani, LLP
101 W. Broadway, Suite 2000
San Diego, CA 92101

16 In the Matter of the Complaint of Truth
17 Aquatics, Inc. and Glen Richard Fritzier and
18 Dana Jeanne Fritzier, individually and as
19 Trustees of the Fritzier Family Trust DTD
20 7/27/92 as owners and/or owners pro hac vice
21 of the dive vessel CONCEPTION, Official
22 Number 638133, for Exoneration from or
23 Limitation of Liability

CASE NO. 2:19-cv-07693

**NOTICE OF LODGMENT OF
[PROPOSED] ORDERS RE EX
PARTE APPLICATION FOR:**

- 1. **APPROVAL OF STIPULATION FOR VALUE AND COSTS**
- 2. **ORDER RESTRAINING ALL SUITS AND DIRECTING MONITION TO ISSUE**
- 3. **ORDER DIRECTING EXECUTION OF MONITION AND PUBLICATION OF NOTICE**

24 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

25 **PLEASE TAKE NOTICE** that Counsel for Plaintiffs TRUTH AQUATICS,
26 INC., GLEN RICHARD FRITZLER AND DANA JEANNE FRITZLER,
27 INDIVIDUALLY AND AS TRUSTEES OF THE FRITZLER FAMILY TRUST DTD
28 7/27/92 (hereinafter "PLAINTIFFS"), hereby lodges the following Proposed Orders

1 regarding their Ex Parte for Approval Of Stipulation For Value And Costs, Order
2 Restraining All Suits And Directing Monition To Issue And Order Directing
3 Execution Of Monition And Publication Of Notice:

- 4 1. [Proposed] Order Regarding Stipulation for Value and Costs;
- 5 2. [Proposed] Order Restraining All Suits and Directing Monition to
6 Issue;
- 7 3. [Proposed] Order Directing Execution of Monition and Publication of
8 Notice.

9
10 Dated: September 11, 2019

GORDON REES SCULLY
MANSUKHANI LLP

11
12 By: /s/ Russell P. Brown
 13 Russell P. Brown
 14 James F. Kuhne, Jr.
 15 Attorneys for Plaintiffs
 16 TRUTH AQUATICS, INC. AND
 17 GLEN RICHARD FRITZLER
 18 AND DANA JEANNE
 19 FRITZLER, INDIVIDUALLY
 20 AND AS TRUSTEES OF THE
 21 FRITZLER FAMILY TRUST
 22 DTD 7/27/92

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8 Attorneys for Plaintiffs
9 TRUTH AQUATICS, INC. AND
10 GLEN RICHARD FRITZLER AND DANA
11 JEANNE FRITZLER, INDIVIDUALLY AND AS
12 TRUSTEES OF THE FRITZLER FAMILY TRUST
13 DTD 7/27/92

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 In the Matter of the Complaint of Truth)
17 Aquatics, Inc. and Glen Richard Fritzler and) CASE NO. 2:19-cv-07693
18 Dana Jeanne Fritzler, individually and as)
19 Trustees of the Fritzler Family Trust DTD) **[PROPOSED] ORDER**
20 7/27/92 as owners and/or owners pro hac vice) **REGARDING STIPULATION**
21 of the dive vessel CONCEPTION, Official) **FOR VALUE AND COSTS**
22 Number 638133, for Exoneration from or)
23 Limitation of Liability)
24)
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26)
27)
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18 It appearing that a Complaint was filed in the United States District Court
19 for the Central District of California by Plaintiffs TRUTH AQUATICS, INC.,
20 GLEN RICHARD FRITZLER AND DANA JEANNE FRITZLER,
21 INDIVIDUALLY AND AS TRUSTEES OF THE FRITZLER FAMILY TRUST
22 DTD 7/27/92 (hereinafter "PLAINTIFFS"), as owners and/or owners *pro hac vice*
23 of the dive vessel CONCEPTION, Official Number 638133 (hereinafter
24 "CONCEPTION"), pursuant to the Limitation of Liability Act, 46 U.S.C. §30501,
25 *et seq.*, claiming right to exoneration from, or limitation of, liability for all claims
26 arising out of that certain fire on or about September 2, 2019, on the navigable
27 waters off the coast of Santa Cruz Island, California, and involving the
28 CONCEPTION, as alleged and for the reasons and because of the circumstances

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1 set forth in the Complaint; and
2 Lauralee Meade of Arnold & Arnold, independent adjusters that were
3 retained by the insurers of the vessel CONCEPTION, to, among other things,
4 investigate the damage to the CONCEPTION caused by that certain fire on or
5 about September 2, 2019, on the navigable waters off the coast of Santa Cruz
6 Island, California and oversee and coordinate the salvage and wreck removal and
7 pollution control of the remains of the hull, having filed a declaration captioned
8 DECLARATION OF LAURALEE MEADE REGARDING VALUE OF DIVE
9 VESSEL CONCEPTION, that the CONCEPTION, as a result of the fire and
10 sinking, is a total loss and has zero (\$00.00) value and that the aggregate value of
11 Plaintiffs' interest in the CONCEPTION immediately following the incident and at
12 the end of the subject voyage having been alleged as worth nothing, and Plaintiffs
13 have agreed to pay into the court the sum of One Thousand and no/100 (\$1,000) as
14 security for costs pursuant to local admiralty rule F.1(83-F.1) as ordered by the
15 Court:

16 IT IS ORDERED that Plaintiff's Stipulation for Value and Costs is
17 approved.

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19 IT IS SO ORDERED, this ___ day of _____, 2019.

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21 UNITED STATES DISTRICT JUDGE
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1 RUSSELL P. BROWN (SBN: 84505)
2 JAMES F. KUHNE, JR. (SBN: 251150)
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8 Attorneys for Plaintiffs
9 TRUTH AQUATICS, INC. AND
10 GLEN RICHARD FRITZLER AND DANA
11 JEANNE FRITZLER, INDIVIDUALLY AND AS
12 TRUSTEES OF THE FRITZLER FAMILY TRUST
13 DTD 7/27/92

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 In the Matter of the Complaint of Truth)
17 Aquatics, Inc. and Glen Richard Fritzler and) CASE NO. 2:19-cv-07693 PA
18 Dana Jeanne Fritzler, individually and as) (MRWx)
19 Trustees of the Fritzler Family Trust DTD)
20 7/27/92 as owners and/or owners pro hac vice)
21 of the dive vessel CONCEPTION, Official)
22 Number 638133, for Exoneration from or)
23 Limitation of Liability) **[PROPOSED] ORDER**
24 **RESTRAINING ALL SUITS**
25 **AND DIRECTING**
26 **MONITION TO ISSUE**

27 It appearing that a Complaint has been filed in the above-captioned Court by
28 Plaintiffs TRUTH AQUATICS, INC., GLEN RICHARD FRITZLER AND DANA
JEANNE FRITZLER, INDIVIDUALLY AND AS TRUSTEES OF THE
FRITZLER FAMILY TRUST DTD 7/27/92 (hereinafter "PLAINTIFFS"), as
owners and/or owners *pro hac vice* of the dive vessel CONCEPTION, Official
Number 638133 (hereinafter "CONCEPTION"), for exoneration from, or
limitation of, vessel owner's liability, pursuant to 46 U.S.C. §30501 *et seq.*, with
respect to any and all losses or damages arising out of, resulting from, or in any
manner connected with, the matters set forth in the Complaint, and the Complaint
having stated the facts and circumstances upon which exoneration or limitation are
claimed, and it appearing that the value of PLAINTIFFS' interest in the

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1 CONCEPTION immediately following the incident was worth nothing, and it
2 further appearing that PLAINTIFFS have filed a Stipulation for Value and Costs
3 and Plaintiffs are not required to provide security for costs until further order of
4 this Court and it further appearing that claims have been made, or will be made,
5 against PLAINTIFFS, and/or the CONCEPTION, for losses or damages arising out
6 of, or in some manner connected with, the matters set forth in the Complaint;

7 NOW, THEREFORE, on application of PLAINTIFFS:

8 IT IS ORDERED that the institution or prosecution of any and all suits,
9 actions or legal proceedings of any nature and description whatsoever, against
10 PLAINTIFFS, or the CONCEPTION, or any property of PLAINTIFFS, whether
11 presently ongoing, filed but unknown, or to be filed in the future, except in this
12 proceeding, with respect to any claims for death, injuries, property loss, or
13 damages, arising out of, resulting from, or in any manner connected with the fire
14 on September 2, 2019, aboard the CONCEPTION which the Complaint in this
15 action seeks exoneration from, or limitation of liability, be, and the same hereby
16 are, stayed and restrained until the hearing and determination of this proceeding;

17 IT IS FURTHER ORDERED that a monition issue out of and under the seal
18 of this Court to all persons and entities asserting any claim with respect to that
19 which the Complaint in this action seeks exoneration from, or limitation of,
20 liability, admonishing them to file their respective claims with the Clerk of this
21 Court at the United States Courthouse, in writing and under oath, and to serve a
22 copy thereof on the attorneys for PLAINTIFFS, on or before the February 1, 2020,
23 or be deemed in contumacy and default;

24 IT IS FURTHER ORDERED that public notice of the monition and this
25 action be published, by PLAINTIFFS, in The Los Angeles Times, a newspaper of
26 general circulation printed and published in Los Angeles County, California, once
27 in each week for four (4) successive weeks prior to the date hereinabove fixed for
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the filing of claims;

IT IS FURTHER ORDERED that PLAINTIFFS, not later than the date of the second publication, shall mail a copy of the monition to every person and entity known to have asserted any claim against PLAINTIFFS, or the CONCEPTION, arising out of, resulting from, or in any manner connected with, that which the Complaint in this action seeks exoneration from, or limitation of, and in those cases where the person or entity making the claim is known to have an attorney, the monition shall be mailed to such attorney; and a copy of such monition shall be mailed to such other persons as are known to have any claim against PLAINTIFFS, or the CONCEPTION, arising out of, resulting from, or in any manner connected with, that which the Complaint in this action seeks exoneration from, or limitation of, not later than the second day of the aforementioned publication; and

IT IS FURTHER ORDERED that service of this Order as a restraining order may be had by mailing a certified copy of this Order to the persons to be restrained, or to their attorneys acting on their behalf.

IT IS SO ORDERED, this ___ day of _____, 2019.

UNITED STATES DISTRICT JUDGE

1 RUSSELL P. BROWN (SBN: 84505)
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11 JEANNE FRITZLER, INDIVIDUALLY AND AS
12 TRUSTEES OF THE FRITZLER FAMILY TRUST
13 DTD 7/27/92

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 In the Matter of the Complaint of Truth)
17 Aquatics, Inc. and Glen Richard Fritzler and) CASE NO. 2:19-cv-07693
18 Dana Jeanne Fritzler, individually and as)
19 Trustees of the Fritzler Family Trust DTD) **[PROPOSED] ORDER**
20 7/27/92 as owners and/or owners pro hac vice) **REGARDING STIPULATION**
21 of the dive vessel CONCEPTION, Official) **FOR VALUE AND COSTS**
22 Number 638133, for Exoneration from or)
23 Limitation of Liability)
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18 It appearing that a Complaint was filed in the United States District Court
19 for the Central District of California by Plaintiffs TRUTH AQUATICS, INC.,
20 GLEN RICHARD FRITZLER AND DANA JEANNE FRITZLER,
21 INDIVIDUALLY AND AS TRUSTEES OF THE FRITZLER FAMILY TRUST
22 DTD 7/27/92 (hereinafter "PLAINTIFFS"), as owners and/or owners *pro hac vice*
23 of the dive vessel CONCEPTION, Official Number 638133 (hereinafter
24 "CONCEPTION"), pursuant to the Limitation of Liability Act, 46 U.S.C. §30501,
25 *et seq.*, claiming right to exoneration from, or limitation of, liability for all claims
26 arising out of that certain fire on or about September 2, 2019, on the navigable
27 waters off the coast of Santa Cruz Island, California, and involving the
28 CONCEPTION, as alleged and for the reasons and because of the circumstances

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1 set forth in the Complaint; and
2 Lauralee Meade of Arnold & Arnold, independent adjusters that were
3 retained by the insurers of the vessel CONCEPTION, to, among other things,
4 investigate the damage to the CONCEPTION caused by that certain fire on or
5 about September 2, 2019, on the navigable waters off the coast of Santa Cruz
6 Island, California and oversee and coordinate the salvage and wreck removal and
7 pollution control of the remains of the hull, having filed a declaration captioned
8 DECLARATION OF LAURALEE MEADE REGARDING VALUE OF DIVE
9 VESSEL CONCEPTION, that the CONCEPTION, as a result of the fire and
10 sinking, is a total loss and has zero (\$00.00) value and that the aggregate value of
11 Plaintiffs' interest in the CONCEPTION immediately following the incident and at
12 the end of the subject voyage having been alleged as worth nothing, and Plaintiffs
13 have agreed to pay into the court the sum of One Thousand and no/100 (\$1,000) as
14 security for costs pursuant to local admiralty rule F.1(83-F.1) as ordered by the
15 Court:

16 IT IS ORDERED that Plaintiff's Stipulation for Value and Costs is
17 approved.

18
19 IT IS SO ORDERED, this ___ day of _____, 2019.

20
21 UNITED STATES DISTRICT JUDGE
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10 GLEN RICHARD FRITZLER AND DANA
11 JEANNE FRITZLER, INDIVIDUALLY AND AS
12 TRUSTEES OF THE FRITZLER FAMILY TRUST
13 DTD 7/27/92

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 In the Matter of the Complaint of Truth)
17 Aquatics, Inc. and Glen Richard Fritzler and) CASE NO. 2:19-cv-07693 PA
18 Dana Jeanne Fritzler, individually and as) (MRWx)
19 Trustees of the Fritzler Family Trust DTD)
20 7/27/92 as owners and/or owners pro hac vice) **[PROPOSED] ORDER**
21 of the dive vessel CONCEPTION, Official) **DIRECTING EXECUTION**
22 Number 638133, for Exoneration from or) **OF MONITION AND**
23 Limitation of Liability) **PUBLICATION OF NOTICE**

24 TO: PLAINTIFFS TRUTH AQUATICS, INC., GLEN RICHARD
25 FRITZLER AND DANA JEANNE FRITZLER, INDIVIDUALLY AND AS
26 TRUSTEES OF THE FRITZLER FAMILY TRUST DTD 7/27/92;

27 WHEREAS, a Complaint was filed in the United States District Court for
28 the Central District of California by Plaintiffs TRUTH AQUATICS, INC., GLEN
RICHARD FRITZLER AND DANA JEANNE FRITZLER, INDIVIDUALLY
AND AS TRUSTEES OF THE FRITZLER FAMILY TRUST DTD 7/27/92
(hereinafter "PLAINTIFFS"), as owners and/or owners *pro hac vice* of the dive
vessel CONCEPTION, Official Number 638133 (hereinafter "CONCEPTION"),
for exoneration from, or limitation of, vessel owner's liability, pursuant to 46

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1 U.S.C. §30501 *et seq.*, with respect to any and all losses or damages arising out of,
2 resulting from, or in any manner connected with, that certain fire on or about
3 September 2, 2019, on the navigable waters off the coast of California (“Fire”) and
4 involving the CONCEPTION as alleged, and for the reasons and because of the
5 circumstances set forth in the Complaint, and praying that a monition issue out of
6 and under the seal of this Court, admonishing all persons and entities claiming any
7 loss, damage or injury arising out of, resulting from, or in any manner connected
8 with, the aforesaid Fire, to file their claims with the Clerk of this Court at the
9 United States Courthouse, and to serve a copy thereof on the attorneys for
10 PLAINTIFFS, on or before the February 1, 2020, and that when all proceedings
11 have been completed, if it shall appear that the PLAINTIFFS are not liable for any
12 such loss or damage, it may be finally so decreed by this Court;

13 WHEREAS, PLAINTIFFS have filed with this Court a Stipulation for Value
14 and Costs, and this Court having made and entered an Order directing that a
15 monition issue against all persons and/or entities claiming any loss, damage or
16 injury arising out of, resulting from, or in any manner connected with, the
17 aforesaid Fire, admonishing them to file their claims with the Clerk of this Court at
18 the United States Courthouse, and to serve a copy thereof on the attorneys for
19 PLAINTIFFS;

20 NOW, THEREFORE, PLAINTIFFS ARE HEREBY COMMANDED to
21 notify and admonish all persons asserting claims with respect to that which the
22 Complaint herein seeks exoneration from, or limitation of, liability for, to appear
23 and answer the allegations of the Complaint, and to file their claims, with the Clerk
24 of the Court, on or before the February 1, 2020.

25 PLAINTIFFS ARE FURTHER COMMANDED to publish, or cause to be
26 published, in The Los Angeles Times, a newspaper of general circulation printed
27 and published in Los Angeles County, California, a notice in substantially the form
28

1 of the NOTICE OF COMPLAINT FOR EXONERATION FROM, OR
2 LIMITATION OF, LIABILITY, once each week for four (4) successive weeks
3 prior to the date hereinabove fixed for the filing of claims.
4

5 IT IS SO ORDERED, this ___ day of _____, 2019.
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7 UNITED STATES DISTRICT JUDGE
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