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10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA  
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13 In the Matter of the Counterclaim of Truth  
14 Aquatics, Inc. and Glen Richard Fritzler  
15 and Dana Jeanne Fritzler, individually and  
16 as Trustees of the Fritzler Family Trust  
17 DTD 7/27/92 as owners and/or owners pro  
18 hac vice of the dive vessel  
19 CONCEPTION, Official Number 638133,  
for Exoneration from or Limitation of  
Liability

CASE NO. 2:19-cv-07693-PA-MRW

**[PROPOSED] ORDER ENTERING  
DEFAULT OF ALL NON-  
APPEARING CLAIMANTS**

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21 On August 5, 2020, Plaintiffs TRUTH AQUATICS, INC. AND GLEN  
22 RICHARD FRITZLER AND DANA JEANNE FRITZLER, INDIVIDUALLY AND  
23 AS TRUSTEES OF THE FRITZLER FAMILY TRUST DTD 7/27/92 (“Plaintiffs”)  
24 filed their Request for Clerk’s Entry of Default of All Possible Claimants Who Have  
25 Not Timely Filed and Served a Claim (the “Request”). In it, Plaintiffs ask the Clerk  
26 to enter the default of all persons and entities who, having claims for losses or  
27 damages against the Plaintiffs and/or the CONCEPTION arising out of, resulting  
28 from, or connected with, the September 2, 2019 fire aboard the CONCEPTION

(hereinafter the “Fire”), nonetheless have not timely filed and served an answer to the operative First Amended Complaint or filed their claims for such losses or damages in this Court.

The Request is supported by the Plaintiffs’ concurrently-filed Memorandum of Points and Authorities in Support of Plaintiffs’ Request for Clerk’s Entry of Default of All Possible Claimants Who Have Not Timely Filed and Served a Claim (the “Memorandum”) and the Declaration of James F. Kuhne, Jr. I/S/O Request for Entry of Default of All Possible Claimants Who Have Not Timely Filed and Served a Claim with attached exhibits (the “Kuhne Declaration”).

The Kuhne Declaration evidences that Plaintiffs have timely complied with the mandates contained in the Court’s Order Directing Execution of Monition and Publication of Notice [Doc. 15] and the Order Restraining All Suits and Directing Monition to Issue [Doc. 16], both issued on September 11, 2019, including the notice provisions contained therein. Specifically, between September 20 and September 25, 2019, Plaintiffs served a copy of the monition on all persons known to have claims against the Plaintiffs or the CONCEPTION arising out of, resulting from, or in any manner connected with, the Fire, advising such claimants to (1) appear and answer the allegations of the Complaint and (2) file their claims in this action on or before July 1, 2020 or be deemed in contumacy and default. [See Doc. 16 3:1-12 at Kuhne Decl. ¶ 5 and compare with Kuhne Decl. ¶ 8.]

Additionally, on October 4, October 11, October 18, and October 25, 2019, Plaintiffs caused to be published in the Los Angeles Times notice of the Court’s monition and this action in substantially the form of the NOTICE OF COMPLAINT FOR EXONERATION FROM, OR LIMITATION OF, LIABILITY (the “Notice”). [See Doc. 15 3:7-12 and Doc. 4 at Kuhne Decl. ¶ 5 and compare with Kuhne Decl. ¶ 9.]

Together, Plaintiffs’ notice complied with the Court’s September 11, 2019 Orders, Rule F(4) of the Supplemental Rules for Admiralty and Maritime Claims and

1 Asset Forfeiture Actions, Rule 55 of the Federal Rules of Civil Procedure, and Local  
2 Rule 55-1. As such, and good cause appearing therefore, DEFAULT is now and  
3 hereby entered as against the following non-appearing persons and/or entities:

4 **All persons and entities, known and unknown, who, having claims for**  
5 **losses or damages against Plaintiffs TRUTH AQUATICS, INC. AND GLEN**  
6 **RICHARD FRITZLER AND DANA JEANNE FRITZLER, INDIVIDUALLY**  
7 **AND AS TRUSTEES OF THE FRITZLER FAMILY TRUST DTD 7/27/92**  
8 **and/or the CONCEPTION arising out of, resulting from, or connected with the**  
9 **September 2, 2019 fire onboard the CONCEPTION, failed to appear and assert**  
10 **their claim(s) in these proceedings on or before July 1, 2020 in accordance with**  
11 **this Court's September 11, 2019 Order Restraining All Suits and Directing**  
12 **Monition to Issue [Doc.16].**

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14 Entered on: \_\_\_\_\_

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15 CLERK OF THE UNITED STATES  
16 DISTRICT COURT FOR THE CENTRAL  
17 DISTRICT OF CALIFORNIA  
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