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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

In the Matter of the Counterclaim of Truth Aquatics, Inc. and Glen Richard Fritzler and Dana Jeanne Fritzler, individually and as Trustees of the Fritzler Family Trust DTD 7/27/92 as owners and/or owners pro hac vice of the dive vessel 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**

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

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

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

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

21 Additionally, on October 4, October 11, October 18, and October 25, 2019,  
22 Plaintiffs caused to be published in the Los Angeles Times notice of the Court’s  
23 monition and this action in substantially the form of the NOTICE OF COMPLAINT  
24 FOR EXONERATION FROM, OR LIMITATION OF, LIABILITY (the “Notice”).  
25 [See Doc. 15 3:7-12 and Doc. 4 at Kuhne Decl. ¶ 5 and compare with Kuhne Decl. ¶  
26 9.]

27 Together, Plaintiffs’ notice complied with the Court’s September 11, 2019  
28 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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Entered on: \_\_\_\_\_

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CLERK OF THE UNITED STATES  
DISTRICT COURT FOR THE CENTRAL  
DISTRICT OF CALIFORNIA