

Rule 7.04 | POSSESSORY, PETITORY AND PARTITION ACTIONS

(a) **Establishing Dates for the Return of Process:** In possessory actions filed pursuant to Supplemental Rule (D), the Court may order that process be returnable at a time shorter than that prescribed by Rule 12(a), Fed.R.Civ.P..

If the Court shortens the time, the Court shall specify the date upon which the answer must be filed, and may also set a hearing date to expedite the disposition of the possessory action. When possible, possessory actions shall be given preference on a judicial officer's calendar.

(b) **Service of Notice:** Notice of all possessory, petitory and/or partition actions pursuant to Supplemental Rule (D) shall be made in accordance with Local Admiralty Rule 7.01(g).

Advisory notes to Admiralty and Maritime Rules

This rule recognizes the equity in allowing for a prompt resolution in possessory actions. Since a possessory action is brought to reinstate an owner of a vessel alleging wrongful deprivation of property, rather than to allow original possession, the rule permits the Court to expedite these actions, thereby providing a quick remedy for one wrongfully deprived of his rightful property. *Silver v. Sloop Silver Cloud*, 259 F. Supp. 187 (SDNY 1966).

Since a petitory and possessory action can be joined to obtain original possession, *The Friendship*, Fed.Cas.No. 5,123 (CCD Maine, 1855), this rule contemplates that an expedited hearing will only occur in purely possessory actions.