

Rule 7.06 | ACTIONS TO LIMIT LIABILITY

(a) **Publication of the Notice:** Immediately upon the commencement of an action to limit liability pursuant to Supplemental Rule (F), plaintiff shall, without further order of Court, effect publication of the notice in accordance with the provisions set forth in Supplemental Rule (F)(4) and Local Admiralty Rule 7.01(g).

(b) **Proof of Publication:** Plaintiff shall file proof of publication not later than the return date. It shall be sufficient proof for plaintiff to file the sworn statement by, or on behalf of, the publisher or editor, indicating the dates of publication, along with a copy or reproduction of the actual publication.

(c) **Appraisals Pursuant to Supplemental Rule (F)(7):** Upon the filing of a claimant's motion pursuant to Supplemental Rule (F)(7), demanding an increase in the funds deposited in Court or the security given by plaintiff, the Court shall order an appraisal of the value of the plaintiff's interest in the vessel and pending cargo.

Upon receipt of the order directing the appraisal, the parties shall have seven (7) days to file a written stipulation to an appraiser. In the event that the parties do not file a stipulation, the Court shall appoint the appraiser.

The appraiser shall promptly conduct an appraisal and thereafter file the appraisal with the Clerk and serve a copy of the appraisal upon the moving party and the plaintiff. The appraiser shall also file a Certificate of Service indicating the date and manner in which service was perfected.

(d) **Objections to the Appraisal:** Any party may move to set aside the appraisal within fourteen (14) days following the filing of the appraisal with the Clerk.

(e) **Fees of the Appraiser:** The Court shall establish the fee to be paid the appraiser. Unless otherwise ordered by the Court, the fee shall be taxed against the party seeking relief under Supplemental Rule (F)(7).

Advisory Notes to Admiralty and Maritime Rules

7.06(a): This section incorporates the publication provisions of Local Admiralty Rule 7.01(g), and applies them to limitation of liability actions. The rule provides for the publication of the notice required by Supplemental Rule (F)(4) without further order of the Court. The Committee believes that this self-executing aspect of the rule will save judicial time and at the time will not impair the rights of any party or claimant.

7.06(b): The Committee determined that filing proof of publication with the clerk was essential in order to establish an adequate record of the publication.