

**Rule 9 - 10.02. Actions in Rem: Special Provisions.**

**(A) Complaint.**

In actions in rem, the complaint must state with particularity the dollar amount of relief sought.

**(B) Multiple Proceedings In Rem Against Single Res.**

Wherever a vessel or other res has been seized, and the res or proceeds thereof remains in custody, and another proceeding in rem is filed against the res or proceeds, no warrant for arrest shall be necessary in the new proceeding. Instead, the Court may issue an order for the detention of the res or proceeds pending final judgment in the new proceeding. The order shall be served upon the owner, master, claimant (or other person in possession or in custody of the res or proceeds), and any other interested persons.

**(C) Substitute Custodian.**

Upon seizure of a vessel, the Court may, upon application of the plaintiff or other interested party, appoint a substitute custodian who will relieve the Marshal of all further responsibility for the care and safekeeping of the vessel and who will hold the Marshal harmless for any loss or injury to the vessel while in the custody of the substitute. Such appointment may be made upon a satisfactory showing that the proposed substitute custodian has adequate facilities for the safekeeping of the vessel, and adequate liability insurance or assets to respond in damages for any loss or injury to the vessel during said custody, and for any damage sustained by third parties due to the negligence of the proposed substitute custodian, its employees or agents during said custody. Such application shall be supported by an affidavit of the proposed substitute custodian.

**(D) Notice.**

(1) The notice required by Supplemental Admiralty Rule C(4) shall be published at least once and shall contain the fact and date of the arrest, the title of the cause, the nature of the action, the amount demanded, the name of the Marshal, and the name and address of the attorney for the plaintiff. It shall also state the requirement of Supplemental Admiralty Rule C(6) that claimants must file their claims within fourteen (14) days of the date of the notice or within such additional time as the Court may allow, and must file their answers within twenty-one (21) days after the filing of their claims or within such additional time as the Court may allow. The notice also shall state that in the absence of timely-filed claims and answers, default will be taken and the property forfeited.

(2) In suits in rem, no default shall be granted, nor sale of the vessel allowed, unless the plaintiff or other interested party shall establish by affidavit, satisfactory to the Court, that actual notice containing the information in Local Rule 10.02(D)(1) has been given to such parties whose interest in the vessel appears of record at the United States Coast Guard vessel documentation office at the home port of said vessel, or that diligent efforts have been made to give such notice.

**(E) Motion to Quash Seizure.**

Whenever property is arrested or attached, any person claiming an interest in it shall be entitled to a prompt hearing on a written motion to quash seizure, which motion shall be granted upon a showing, by a preponderance of the evidence, that seizure was improper. If the motion is granted, the Court may award the movant attorney's fees and damages incurred as a result of the seizure.

(Amended September 8, 2009; effective December 1, 2009)