

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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IN THE MATTER OF:

THE PETITION OF GERALD A. MEIER,,  
AS THE OWNER OF A 1999 20 FOOT  
CROWNLIN VESSEL FOR EXONERATION  
FROM OR LIMITATION OF LIABILITY,

ORDER  
04-C-0124-C

Petitioner,  
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Ann Curtiss, local counsel for petitioner, has written to the court to ask that the order entered on September 29, 2004, be amended to provide that the sanctions order is imposed against Steven Goldman, trial counsel for petitioner. According to Ms. Curtiss, Mr. Goldman acknowledges that he was responsible for ascertaining the facts about the navigability of the Rock River at the site of the accident and he made the decisions to proceed with the argument that the river was navigable and also to rely heavily on Petition of Lisa M. Strahle, 250 F. Supp. 2d 997, a case from the Northern District of Indiana.

Unless Mr. Goldman takes issue with Ms. Curtiss's recommendations and does so in writing before October 20, 2004, I will amend the September 29 order to provide that the sanctions are imposed on Mr. Goldman and not on Ms. Curtiss.

Also, counsel for claimants State Farm Fire & Casualty Company and Michael Getchall has advised petitioner that he reads the court's order as directing claimant's counsel to pay a total of \$6,000 in sanctions: \$3,000 to his clients and \$3,000 to Diane Acker, individually and as personal representative of the Estate of Robert Acker. This is a misreading of the order, in which I specified that petitioner's counsel would be ordered to pay reasonable attorney fees in the amount of \$3,000, Op. & Order, dkt. #39, at 10, and entered an order that counsel was to "pay claimants Michael Getchell, State Farm Fire & Casualty Company and Diane Acker \$3,000." Id. at 12. The order says nothing about paying *each* of the claimants or *each "group"* of claimants. To make it even more specific, counsel for petitioner will be ordered to pay *a total* of \$3,000 in attorney fees to the three claimants. Since two of the claimants (Getchell and State Farm) are represented by the same lawyer, the \$3,000 is to be divided into two equal portions, with one-half going to Getchell and State Farm and one-half to Diane Acker.

#### ORDER

IT IS ORDERED that unless Steven Goldman objects in writing on or before October 20, 2004, to taking responsibility for the sanctions imposed on petitioner's counsel, the order entered on September 29, 2004, shall be amended by deleting "Ann E. Curtiss," from the first line of the paragraph on page 12 and substituting "Steven Goldman" therefor.

Further, IT IS ORDERED that the sanctions are to be paid in two equal portions, with one portion (\$1,500) payable to claimants Michael Getchell and State Farm Fire & Casualty Company and one portion (\$1,500) payable to Diane Acker. Full payment is to be made no later than December 1, 2004.

Entered this 13th day of October, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge