

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 OF LIMITATION OF LIABILITY,

ORDER  
04-0124-C

Petitioner.  
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This is a civil action in which petitioner Gerald A. Meier, owner of a 1999 twenty-foot Crownline vessel, has filed a petition under the Limitation of Vessel Owner's Liability Act, 46 U.S.C. App §183(a). Petitioner's boat was involved in a collision resulting in the death of Robert Acker. Petitioner seeks to exonerate or limit his liability to \$31,000, the declared value of the vessel. The case is before the court on a motion to dismiss for lack of subject matter jurisdiction in admiralty brought by claimants Diane Acker, the Estate of Robert Acker, Michael Getchell and State Farm Fire & Casualty Company.

On June 23, 2004 , I issued an order asking petitioners to inform the court of the location of the collision. I advised the parties that if the collision occurred between the Indianford and Jefferson dams I would have to dismiss the case for lack of subject matter jurisdiction because the area between those two dams is not navigable. Pursuant to the

court's order, petitioner informed the court that the collision occurred between the Indianford and Jefferson dams. With this additional information, I conclude that the accident occurred in non-navigable waters. Thus, this court lacks admiralty jurisdiction under 28 U.S.C. § 1333. The parties have suggested no other ground for the exercise of federal jurisdiction.

ORDER

IT IS ORDERED that the motion to dismiss for lack of subject matter jurisdiction filed by claimaints Diane Acker, the Estate of Robert Acker, Michael Getchell and State Farm Fire & Casualty Company is GRANTED.

Entered this 14th day of July, 2004.

BY THE COURT:  
BARBARA B. CRABB  
District Judge