

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

In the Matter of the Petition of Cecilio Javier Adames, as Owner of a 30-Foot 1995 Grady White Runabout (HIN: NTLDY379D494), for Exoneration From or Limitation of Liability

Adames · No. 25 CV 4680 (LDH) (CLP) · Decided December 9, 2025

SUMMARY

The United States District Court for the Eastern District of New York grants Francisca Adames’s motion to substitute herself for her deceased husband, Cecilio Javier Adames, in a pre-complaint petition seeking limitation or exoneration of liability under the Limitation of Liability Act. The court holds that substitution is not properly pursued under Federal Rule of Civil Procedure 25 because no complaint or opposing parties exist, but permits substitution under Rule 17(a)(3) to preserve the estate’s statutory protections.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Cheryl L. Pollak
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	December 9, 2025
DOCKET	25 CV 4680 (LDH) (CLP)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner's widow moved under Federal Rule of Civil Procedure 25 to substitute herself for the deceased petitioner in a limitation-of-liability proceeding. Because no complaint had yet been filed and no defendants or other parties had been named, the court considered whether substitution could proceed under Rule 17 instead.
STANDARD OF REVIEW	The court applied the requirements of Federal Rules of Civil Procedure 25 and 17 to determine whether substitution was procedurally permissible; no separate standard of review was stated.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

limitation of liability

admiralty

civil procedure

probate procedure

PRACTICE AREAS

admiralty and maritime law

civil procedure

probate and estate litigation

QUESTIONS PRESENTED

1. Whether Federal Rule of Civil Procedure 25 permits substitution of a deceased petitioner where no complaint has been filed and there are no parties on whom a notice of death can be served.
2. Whether Federal Rule of Civil Procedure 17(a)(3) permits substitution of the decedent's widow as the real party in interest in a pre-complaint limitation-of-liability proceeding.
3. Whether substitution under Rule 17(a)(3) is appropriate where the substitution changes the petitioner only in form, does not alter the substance of the proceeding, and avoids loss of the Limitation of Liability Act's protections.

HOLDINGS

1. Rule 25 is not the proper vehicle for substitution because the proceeding had no defendants or other parties upon whom a formal notice of death could be served, and substitution under Rule 25 was therefore not ripe.
2. Rule 17(a)(3) permits substitution of Francisca Adames as petitioner because she is the real party in interest representing the decedent's estate and the substitution corrects a formal error without changing the substance of the proceeding.
3. The proceeding is not an incurable nullity merely because the original petitioner died before the proceeding was completed; Rule 17 substitution may preserve the limitation petition when a real party in interest held the relevant stake and substitution does not alter the substance of the action.

KEY QUOTATIONS

“The circuit court concluded that “a complaint filed in the name of a non- existent entity”—such as a dissolved corporation or, here, a decedent—“on behalf of a real party in interest, meets the requirement that the party invoking jurisdiction ha[ve] the requisite stake in the outcome when the suit [i]s filed.””

(Discussion § B)

“Finally, “it is plainly the more practical approach” to allow substitution here where the alternative to substitution would be to deny the petition, which would dissolve the protections of the Limitation of Liability Act and result in severe prejudice to the Adames estate.” (Discussion § B)

FACTUAL BACKGROUND

On February 23, 2024, a 30-foot 1995 Grady White Runabout owned by Cecilio Javier Adames encountered bad weather and sank off Breezy Point, Brooklyn, New York. The incident resulted in the deaths of Adames and two passengers. Adames filed a limitation-of-liability petition before a complaint was filed, and his widow later sought to continue the proceeding as representative of his estate.

PROCEDURAL HISTORY

On August 22, 2025, Cecilio Javier Adames filed a petition under the Limitation of Liability Act and Federal Rule of Civil Procedure 9(h) after his vessel sank, causing three deaths, including his own. The court had previously recommended granting the limitation motion. After Adames's death, his widow, Francisca Adames, moved to substitute herself as petitioner. The court held that Rule 25 was not the proper mechanism because no formal notice of death could be served on parties in the pre-complaint proceeding, but granted substitution under Rule 17(a)(3) and directed the filing of an amended petition.

DISPOSITION

other

CASES CITED

- Galeas v. Houslanger & Assocs., PLLC, No. 19 CV 4270, 2021 WL 2843214, at *2 (E.D.N.Y. June 21, 2021)
- O'Neil v. Lowe's Home Ctrs., LLC, No. 20 CV 1225, 2021 WL 11687950, at *1 (E.D.N.Y. Oct. 22, 2021)
- Saylor v. Bastedo, 623 F.2d 230, 237 (2d Cir. 1980)
- Natale v. Country Ford Ltd., 287 F.R.D. 135, 136 (E.D.N.Y. 2012)
- Unicorn Tales, Inc. v. Banerjee, 138 F.3d 467, 469-70 (2d Cir. 1998)
- Wyndham Vacation Ownership, Inc. v. U.S. Consumer Attorneys, P.A., No. 18 CV 81251, 2019 WL 7837360, at *1 (S.D. Fla. Aug. 22, 2019)
- National Equip. Rental, Ltd. v. Whitecraft Unlimited, Inc., 75 F.R.D. 507, 510 (E.D.N.Y. 1977)
- Advanced Magnetics, Inc. v. Bayfront Partners, Inc., 106 F.3d 11, 20-21 (2d Cir. 1997)
- Park B. Smith, Inc. v. CHR Indus. Inc., 811 F. Supp. 2d 766, 773 (S.D.N.Y. 2011)
- Wiwa v. Royal Dutch Petrol. Co., Nos. 96 CV 8386, 2009 WL 464946, at *10 n.34 (S.D.N.Y. Feb. 25, 2009)
- Davis v. Federal Election Comm'n, 554 U.S. 724, 734 (2008)
- House v. Mitra QSR KNE LLC, 796 Fed. App'x 783, 791 (4th Cir. 2019)
- In re Engle Cases, No. 09 CV 10000, 2013 WL 8115442, at *2 (M.D. Fla. Jan. 22, 2013), aff'd, 767 F.3d 1082 (11th Cir. 2014)
- In re Asbestos Prods. Liability Litig., 311 F.R.D. 152, 156 (E.D. Pa. 2015)
- In re Proton-Pump Inhibitor Prods. Liab. Litig., No. 17 MD 2789, 2022 WL 17850260, at *2 (D.N.J. Dec. 22, 2022)
- Chaisson v. State Farm Fire and Cas. Co., No. 23 CV 2551, 2024 WL 4271555, at *3 (E.D. La. Sept. 23, 2024)
- Cortlandt Street Recovery Corp. v. Hellas Telecommunications S.à.r.l., 790 F.3d 411, 422-27 (2d Cir. 2015)
- Banakus v. United Aircraft Corp., 290 F. Supp. 259, 260 (S.D.N.Y. 1968)
- Klein ex rel. Qlik Techs. v. Qlik Techns., Inc., 906 F.3d 215, 219, 226-27 & n.7 (2d Cir. 2018)
- DeKalb County Pension Fund v. Transocean Ltd., 817 F.3d 393, 399-413 (2d Cir. 2016), cert. denied, 582 U.S. 952 (2017)
- Link Aviation, Inc. v. Downs, 325 F.2d 613, 615 (D.C. Cir. 1963)

- Northstar Fin. Advisors, Inc. v. Schwab Invs., 779 F.3d 1036, 1044-48 (6th Cir. 2015)
- Levinson v. Dupree, 345 U.S. 648, 649-52 (1953)
- Ripple Analytics Inc. v. People Ctr., Inc., No. 20 CV 894, 2023 WL 4763256, at *3 (E.D.N.Y. July 26, 2023), aff'd, 153 F.4th 263 (2d Cir. 2025)

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