

RULE D | POSSESSORY, PETITORY, AND PARTITION ACTIONS

(1) Establishing Dates for the Return of Process. In possessory actions filed pursuant to Supplemental Rule D, the Court may order that process be returnable at a time shorter than that prescribed by Federal Rule of Civil Procedure 12(a).

If the Court shortens the time, the Court shall specify the date upon which the answer must be filed and served, and may also set a hearing date to expedite the disposition of the possessory action. When possible, possessory actions shall be given preference on a judicial officer's calendar.

Effective December 1, 1994. Amended effective April 15, 2007; April 15, 2010; April 15, 2011; December 2, 2019.

Advisory Notes

(1993) This rule continues in substance the provisions of former Local Admiralty Rule 15.

The rule recognizes the equity in allowing for a prompt resolution in possessory actions. Since a possessory action is brought to reinstate an owner of a vessel alleging wrongful deprivation of property, rather than to allow original possession, the rule permits the Court to expedite these actions, thereby providing a quick remedy for the one wrongfully deprived of his rightful property. *See Silver v. Sloop Silver Cloud*, 259 F.Supp. 187 (S.D.N.Y. 1966).

Since a petitory and possessory action can be joined to obtain original possession, *The Friendship*, *Fed.Cas. No. 5,123* (CCD Maine, 1855), this rule contemplates that an expedited hearing will only occur in purely possessory actions.

(2010) Amended to conform tabulation to the style used in the federal rules of procedure.

