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What's New in Limitation Cases

Allen D. Hemphill

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Who may Limit Liability

- Carrier subject to a direct-action could benefit from its insured's right to limit liability.
- Ownership could be resolved in the Rule F action along with the right to limit liability.
- Operator was an owner despite undisputed evidence he did not hold title.

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Jurisdiction: Vessel Status

- Fact issue regarding the vessel status of long moored barges precluded summary judgment that would resolve the owner's limitation of liability action.

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Jurisdiction: Location & Connection

- Injury aboard a vessel docked at a marina was subject to admiralty; likely to disrupt maritime commerce.
- Admiralty jurisdiction when a vessel pulled from the water for repairs caused damage by virtue of its unseaworthy condition.
- Admiralty jurisdiction to support a limitation of liability action when two vessels collide in a navigable waterway.

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Jurisdiction: Location & Connection

- The deaths of two sleeping passengers in a docked boat not within admiralty jurisdiction; incident of this nature unlikely to disrupt maritime commerce.

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Jurisdiction: Over Claims

- No jurisdiction over tort claims against third parties who did not file claims in the limitation of liability action.

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First appeared as part of the conference materials for the
32nd Annual David W. Robertson Admiralty and Maritime Law Conference session
"What's New in Limitation Cases"