



Monthly
Meeting



January Luncheon

January 9th, 2014
11:30 Registration

Location:
Bistro Mezzaluna

1821 SE 10th Avenue
Fort Lauderdale, Florida 33316
(954) 522-9191

Speaker:
Allen Reesor
on

Employee Loyalty: Who do I
develop for the future-who will
stay and who will go?

Cost for Members & Guests \$20

RSVP for the luncheon via the website

www.ftlmc.org

on the Event Calendar or by email:

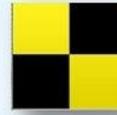
Arlene Weicher at

arlene.weicher@crystalco.com

561-273-2343 (work)

2014 Officers & Chairs

Skipper: Charlie Davant
First Mate: Kristene Lundblad
Yeoman: Michelle Otero Valdés
Purser: Bryan Emond
Bosun: Arlene Weicher
Program Chair: Terry Jones
Activities Chair: Elaine Frawley
Historian: Jonathan Dunleavy
Seminar Chair: Hector Ramirez



TO GET THE NEWS WHILE IT'S STILL NEW...

You no longer need to wait for the next newsletter to get information on upcoming events and items of interest to FLMC members. All individual news items will be posted on the club website, www.ftlmc.org, as soon as they have been vetted by the Yeoman or another club officer.

SEND THE NEWS WHILE IT'S STILL NEW!

If you have information on some upcoming event or item of interest to FLMC members, please send the details to your Yeoman, Michelle Otero Valdés, at mov@chaloslaw.com, or any other club officer. We'll do our best to get the information posted on the club website as quickly as possible. The information will also be published in the monthly newsletter, if appropriate.

Newsletter's New Look

Each month, we will have an industry corner highlighting a different aspect of our industry each month. This month, your Yeoman will start off with the "Legal Corner". We will be reaching out to several of you in the organization to offer your own submissions including:

- Legal Corner
- Repair/Refit Corner
- Insurance Corner
- Surveyor's Corner
- Expert Corner
- Maritime Provider's Corner
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If you have other ideas of possible "Corners" that would be beneficial to the group or have a submission of 500 words or less, please contact your Yeoman at mov@chaloslaw.com.



Fort Lauderdale
Mariners Club

Fort Lauderdale Mariners Club
PO Box 21750
Fort Lauderdale, FL 33335-1750
www.ftlmc.org



Fort Lauderdale Mariners Club

About Us

The Fort Lauderdale Mariners Club is dedicated to the promotion of ethical business practices among the sea-going community as well as the circulation of accurate and useful information to the boating community.

Our membership includes professional and leisure boating enthusiasts, as well as industry experts and professionals in many disciplines from around the world.

Join Us

We welcome your interest in the Mariners Club and invite you to become an active member to the benefit of each of us individually and all of us as a community.

The easiest way to join is to attend a monthly meeting as a guest of a current member.

Request an application form from an officer, complete it and mail it with your check for \$50.00 to the Mariners Club for consideration by the membership committee. Two sponsors are required.

If you want to join and do not know an active member, contact Kristene Lundblad at klundblad@lankoil.com.

Please visit our website at
www.ftlmc.org
to find out more about us!

HIGHLIGHTS FROM THE FORT LAUDERDALE MARINERS CLUB HOLIDAY PARTY

On December 7, 2013, a full complement of 130 FLMC Members and guests gathered at the Hollywood Beach Marriott to enjoy the culmination of all the fun, work and networking events we had in 2013. We Club also had its formal changeover of Officers and Chairs. Our Holiday Party has now become an annual event on our calendar and we look forward to the next one!



Photos by Art Campbell



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Legal Corner: Attachment and Garnishment in Admiralty Matters in the Southern District of Florida

By Michelle Otero Valdés, Esq.

In an matter involving admiralty subject-matter jurisdiction, federal Supplemental Admiralty Rule B(1) allows the attachment and garnishment of a defendant's property located within the judicial district, up to the amount sued for, if the defendant is not "found" within the district. In order to maintain the attachment, the plaintiff is required to follow strict procedural requirements outlined by the local rules in the Southern District of Florida ("SDFL"). This often utilized rule is convenient when the defendant cannot be found in the district, but his putative property (for example, a vessel, account receivable, funds in a bank account, cargo) can be so found. The usual concepts of due process of law and minimum contacts with the United States to support personal jurisdiction do not apply to attachment of a defendant's property under Rule B, as it is a quasi in rem attachment.

The SDFL requires that the complaint filed with the Clerk of the Court be verified by either a party or corporate officer. If the party or corporate officer is located not within the District, verification of the complaint may be made by an agent, attorney-in-fact or attorney of record provided that this individual identifies the source of his or her knowledge of the underlying facts and declares that the documents are true to the best of their knowledge.

Next, the plaintiff must show that the defendant cannot be "found" within the District by filing an affidavit so stating and identifying with particularity the facts which have led the affiant to make this claim. In the SDFL, a defendant is considered "not found in the District" if the defendant cannot be served within the SDFL with the summons and complaint as provided by Federal Rule of Civil Procedure 4(d)(1), (2), (3), or (6). In addition, a process of maritime attachment and garnishment ("PMAG") will only be issued after one of the following conditions has been met: (1) there has been judicial review of the complaint; (2) the plaintiff has certified that exigent circumstances exists making judicial review impracticable; (3) the plaintiff has prepared the summons and PMAG and delivered the documents to the Clerk of the Court for filing and issuance; or (4) the U.S. Marshal's service has filed a return of service indicating that service was perfected upon a garnishee.

After any property has been attached pursuant to Supplemental Rule B, any person claiming an interest in the property seized must file an answer and claim against the property with the Clerk of the Court. The claimant may then be heard before a judicial officer not less than seven (7) days after the answer and claim has been filed and service has been perfected upon the plaintiff pursuant to Supplemental Admiralty Rule E(4)(f). At the Supplemental Rule E(4)(f) hearing, the plaintiff bears the burden of proving that there were reasonable grounds or probable cause for issuance of the writ of garnishment. A warning—if, after a hearing, the court vacates the attachment, the judicial officer may award attorney's fees, costs and other expenses incurred by any party as a result of the seizure.

If you have a case involving a claim within admiralty and maritime jurisdiction, the remedy of maritime attachment is a powerful tool.

Fort Lauderdale Mariners Club

ITEMS OF INTEREST:

Please submit newsletter ideas and items of interest to the Editor: Michelle Otero Valdés at mov@chaloslaw.com...

And thanks to all who submit materials for publication!

The Ft. Lauderdale Mariners Club Proudly Supports:

Boys & Girls Club of Broward
County

Marine Industries Association of
South Florida

MIASF Waterway Cleanup

MIASF Plywood Regatta

South Broward High School
Skills USA Program

Seafarers House Fort
Lauderdale

Shake-A Leg Miami

Women's International Shipping
& Trading Association

Fort Lauderdale Sea Cadets,
Spruance Division



Interesting News Approximately 100 years ago

The New York Times
December 20, 1913

PRIEST-SLAYER HAD AN "ORDER" TO KILL

Tombs Physician Says Prisoner Told of a Message Commanding a Sacrifice.

HAD ROBBED THE CHURCH

Schmidt, Says Father Huntman, Had Embezzled Money from Collections and Retained Fees

Ordned in his native Germany in 1904, Roman Catholic priest Hans B. Schmidt (1881– February 18, 1916) was assigned to St. Boniface Church, at Second Avenue and 47th Street in 1908.

While serving in the New York in St. Boniface Church, Schmidt met Anna Aumüller, the attractive housekeeper for the rectory who had recently emigrated from Austria. Despite his subsequent transfer to a church in a distant area of the city, Schmidt and Anna continued a secret sexual relationship. It was later revealed that they were married in a secret ceremony of dubious legality, which Schmidt performed himself. However, after discovering that Anna was pregnant, Schmidt slashed her throat on the night of September 2, 1913, dismembered the body, and threw the pieces into the East River.

Once the body was discovered, a police investigation led to Schmidt and he was arrested and charged with the murder. After feigning insanity during his first trial, which ended with a hung jury, Schmidt was eventually convicted of first degree murder and sentenced to death in the electric chair. On February 18, 1916, Schmidt was executed at Sing Sing Prison; he remains the only priest ever executed for murder in the United States.



Pictures found at <http://ephemeralnewyork.wordpress.com/tag/priest-executed-for-murder/>