



Fort Lauderdale Mariners Club

APRIL 2015 NEWSLETTER

MONTHLY MEETING

Join us for our Monthly Luncheon Thursday, April 2nd, 2015 11:30am to 1:30pm

Location: Bimini Boat Yard and Grill

SPEAKER: Amanda J. Mitchell of the Children's Diagnostic Treatment Centers, Broward Health

Cost of Lunch \$25.00

Entrée Choices:
Florida Yellowtail Snapper
Herb Marinated Chicken Breast
Churrasco Steak

Please RSVP with entrée choice by: April 1, 2015
hramirez@hamiltonmillerlaw.com
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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 an upcoming event or item of interest to the FLMC members, please send the details to your Yeoman, Arlene Weicher, at arlene.weicher@alliancemrm.com, or any other club officer. They are listed in this newsletter. 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. Just let us know by the 20th of each month, so it can be included in the newsletter.

Industry Corners

Calling all aspiring writers for our Industry Corner! This section of the newsletter highlights a different aspect of our industry and membership each month. This month, our speaker is Amanda J. Mitchell of the Children's Diagnostic Treatment Centers, Broward Health. If you are interested in educating the members in what you do, please provide your own submission, such as:

- Legal Corner
- Repair/Refit Corner
- Insurance Corner
- Surveyor's Corner
- Sailor's Corner
- New Member's Corner (2014 members)

Please submit your article for consideration by the 20th of each month of 500 words or less to Arlene Weicher at Arlene.weicher@alliancemrm.com



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 Brian Emond at bemond@sealimited.com.

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

HIGHLIGHTS FROM MARCH'S LUNCHEON

We would like to thank Gordon Connell for speaking at March's luncheon.
Here are a few pictures from the event.



**The Ft. Lauderdale
Mariners Club Proudly
Supports:**

Boys & Girls Club of Broward
County

Fort Lauderdale Sea Cadets,
Spruance Division

Marine Industries Association of
South Florida

MIASF Waterway Cleanup

MIASF Plywood Regatta

ReThink + ReUse Center

South Broward High School Skills
USA Program

Seafarer's House Fort Lauderdale

Shake-A-Leg Miami

Women's International Shipping &
Trading Association

Nautical Dates in April

April 18, 1988

Operation Praying Mantis- In the largest naval engagement since WWII, the US Navy defeated Iranian Naval forces in the retaliation for the mining of the USS Samuel S Roberts during a patrol mission.

April 20, 1917

Second Battle of Dover Strait- was a naval battle of the First World War, fought in the Dover Strait. Royal Navy Destroyers defeated German torpedo boats.

April 27, 1865

On the Mississippi River, the worst steamship disaster in US History occurred as an explosion aboard the "Sultana" killed nearly 2,000 passengers, mostly Union soldiers who had been prisoners of war were returning home.

2015 Officers & Chairs

Skipper: Kristene Lundblad

First Mate: Bryan Emond

Purser: Michelle Otero Valdes

Yeoman: Arlene Weicher

Bosun: Hector Ramirez

Program Chair: Jonathan Dunleavy

Activities Chair: Sandy Hoekstra

Historian: Aimee Hoalt

Seminar Chair: Tom Worthington

WELCOME TO 2015!!!!

April

11- Annual Picnic at Snyder Park

WHATS NEWSWORTHY THIS MONTH

MAY 30, 2015
Save the Date

BAHIA MAR MARINA WITH RYAN TANNEHILL & FRIENDS

Present the

Waterway *Soirée*

DOCK • DINE • DANCE • DESSERT

FORT LAUDERDALE, FLORIDA • 5:30 PM
954-728-1019

WaterwaySoiree.com

Honorary Host Committee Chair, Skip Zimbalist, Show Management

1ST ANNUAL YACHT HOP & CRUISE

benefitting Children's Diagnostic & Treatment Center



and

Certified Marine Insurance Professional (CMIP) 2015-2016 Seminar Schedule is attached.

INDUSTRY CORNERS

FIVE HUNDRED DOLLAR PER PACKAGE LIMITATION LIVES ON

By Daniel W. Raab, Esq.

The package limitation continues to be litigated under the Carriage of Goods by Sea Act. An example of this is a case that was decided on May 13th, 2014 entitled *Outokumpu Stainless USA, LLC v. M/V VEGALAND*, 21 F.Supp.3d 816 (2014).

In this particular case, the Plaintiff sent industrial machinery from Genoa, Italy to Houston, TX. The type of machine in question was a 63- ton tilt drive industrial machine for installation which was sent by Outokumpu Stainless USA to its facility in Alabama. The particular piece of equipment was prepared at Siemens-VAI Metal Technologies location. The value of the machinery was not declared by the shipper. When the ship transporting the machinery, the M/V VEGALAND, reached the Port of Houston, the cargo was found tipped over and on its side in damaged condition. Subsequently, a lawsuit was filed in admiralty claiming \$566,740.80 in damages to this machine which is also referred to as a melt shop. During the course of the litigation, both the Plaintiff and Defendant filed Cross-Motions for Summary Judgment. The Defendant filed a Motion for Summary Judgment to limit its damages to \$500.00. The Plaintiff contested this assertion.

Judge Miller found that the packaging of the melt shop and the contents of the bill of lading were not in dispute. What is interesting is that the space for the number of packages was left blank on the bill of lading. The court noted that the melt shop was fully enclosed in a crate made of wooden slats and was attached to H-beams in order to facilitate shipping. The Judge felt that the shipper had the best knowledge of the packing and that the shipper had the responsibility of declaring a higher value and was given the opportunity to do so by the Defendant. The Plaintiff contended that it did not have an opportunity to declare a higher value. The District Court rejected that argument and noted that there was a space in the bill of lading for declaring a higher value. As a practical matter, shippers rarely declare a higher value on a bill of lading as it is usually less expensive to purchase cargo insurance. The court also stated that the incorporation of a published tariff within the bill of lading also adequately gave notice regarding a chance to declare a higher value.

The Plaintiff also asserted that there was a geographic deviation and that this would negate the \$500.00 per package limitation. Such a deviation must be unreasonable and cause material damage to the cargo interest. The court did not find that the Plaintiff had established a genuine issue of material fact on this issue as it referred to its tariff on its website to rebut this contention. As the Judge found that the crate was a package, there was an opportunity to declare a higher value and there was no deviation, he issued a Summary Judgment for \$500.00 in favor of the Defendant.

When litigating a case under the Carriage of Goods by Sea Act, it is a good strategy to test the \$500.00 per package limitation early on before other types of discovery need to be done on liability. The parties should find out early on the amount of the damages at issue. In this case, the court felt that the parties were dealing with a \$500.00 case not one for \$566,740.80. This decision also demonstrates why it is a good practice for a shipper to purchase cargo insurance.

Daniel W. Raab, Esq. is an attorney with offices in Miami, Florida and handles cases throughout the State of Florida.

A Side Note to All...

For a number of years now, the club has made it a practice to send all communications to our members via email. Recently a number of club members have expressed that they are having problems receiving some or all club emails. If you have any reason to believe that you are not receiving these emails please check the following:

1. **Your membership profile**

- Log into your membership profile through the club website: www.ftlmc.org
- Check to see that your email and other contact information in your profile is correct.
- Check to see that it says “Yes” next to “Allow Club Email”

If you are having trouble logging in or don't recall your log in username or password, please contact the First Mate, Bryan Emond, for assistance. (Contact information below.)

2. **Your email spam filter setting**

- Make sure the email address below is on your spam filter's list of allowed addresses.
- Be sure to add the email address below to your “safe sender” or “white list” with your e-mail provider.
ftlmc@memberclicks-mail.net
- Make sure the following IP addresses are listed in your email system's “white list”:
209.235.234.1
209.235.234.2

If you have checked the items above and are still having trouble receiving emails, please the First Mate, Bryan Emond, for assistance.

Bryan Emond
FLMC First Mate
bemond@sealimited.com
954-777-4790



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