

Admiralty and Maritime Law in the United States

Admiralty and Maritime Law in the United States

Cases and Materials

FOURTH EDITION

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Contents

Table of Cases	xiii
Preface to the Fourth Edition	xxxi
Preface to the Third Edition	xxxiii
Chapter I · The Basics: Admiralty Jurisdiction, Conceptual Structure, and Practice	3
A. Historical Background	3
<i>DeLovio v. Boit</i>	5
Notes	8
<i>The Thomas Jefferson</i>	8
Notes	9
<i>The Genesee Chief v. Fitzhugh</i>	10
Note	13
<i>The Eagle</i>	13
Notes	15
B. The “Navigable Waters” Issue	15
<i>LeBlanc v. Cleveland</i>	16
Notes	19
C. The “Vessel” Issue	20
<i>Stewart v. Dutra Construction Co.</i>	21
Notes	25
<i>Lozman v. City of Riviera Beach</i>	25
Notes	29
D. Admiralty Jurisdiction in Tort Cases	30
<i>Jerome B. Grubart, Inc. v. Great Lakes Dredge & Dock Co.</i>	30
Notes	39
<i>Taghadomi v. United States</i>	41
Notes	45
<i>Tagliere v. Harrah’s Illinois Corp.</i>	47
Notes	49
E. Admiralty Jurisdiction in Contract Cases	51
<i>North Pacific Steamship Co. v. Hall Brothers Marine Railway & Shipbuilding Co.</i>	52
Notes	55
<i>Kossick v. United Fruit Co.</i>	56
Notes	58

<i>Norfolk Southern Railway Co. v. James N. Kirby, Pty Ltd.</i>	60
Notes	63
F. The Exclusive Jurisdiction of the Federal Admiralty Courts and the Concurrent Jurisdiction of “Common Law” Courts	64
<i>The Moses Taylor</i>	66
Notes	67
<i>Rounds v. Cloverport Foundry & Machine Co.</i>	68
Notes	69
<i>Thorsteinsson v. M/V Drangur</i>	69
Notes	72
<i>Madruga v. Superior Court</i>	72
Notes	74
G. The Distinctiveness of the Federal Admiralty Court and Some Fundamental Features of Its Procedure	75
1. Admiralty Procedure before 1966	75
2. Admiralty Procedure since 1966: The Big Picture	76
Advisory Committee Note	77
Note	78
3. Bench Trial Versus Jury Trial in Seamen’s Actions	79
<i>The Romero Case</i>	79
Notes	80
<i>Fitzgerald v. United States Lines Co.</i>	81
Note	82
4. Bench Trial Versus Jury Trial in Other Maritime Actions	83
<i>In re Lockheed Martin Corp.</i>	83
Notes	87
5. Impleader under Rule 14(c)	87
6. Possessory, Petitory, and Partition Actions, Including Actions to Try Title to Vessels	88
7. Limitation of Liability Proceedings	88
8. Equitable Remedies in Admiralty Cases	88
9. Service of Process	89
10. Personal Jurisdiction	89
<i>In re Rationis Enterprises of Panama</i>	90
Note	92
<i>Submersible Systems, Inc. v. Perforadora Central, S.A. De C.V.</i>	93
Notes	97
<i>Grand Bahama Petroleum Co. v. Canadian Transp. Agencies, Ltd.</i>	98
Notes	99
Personal Jurisdiction in Actions In Rem under Rule C	100
11. Venue	101
12. Removal of Maritime Cases	101
<i>Romero v. International Terminal Operating Co.</i>	102
Notes	106
13. Admiralty Appeals	106
H. Sources of Controlling Law in Admiralty and Maritime Cases	108
1. Separation of Powers: The Relationship Between Congress and the Supreme Court in the Admiralty and Maritime Field	108
2. An Important Note on Terminology	110

3. Federalism: When Will Federal Maritime Law Preempt State Substantive Law?	110
<i>Ballard Shipping Co. v. Beach Shellfish</i>	111
Notes	115
<i>Southern Pacific Co. v. Jensen</i>	116
Note	118
<i>Erie Railroad Co. v. Tompkins</i>	119
Notes	121
<i>Pope & Talbot, Inc. v. Hawn</i>	122
Notes	123
<i>Kossick v. United Fruit Co.</i>	124
Notes	126
<i>Norfolk Southern Railway Co. v. James N. Kirby, Pty Ltd.</i>	127
Notes	128
Chapter II · Personal Injury, Death, and Tortious Harm to Property	131
A. The Basic Maritime Tort Law	131
<i>Kermarec v. Compagnie Generale Transatlantique</i>	131
Notes	133
<i>Brotherhood Shipping Co. v. St. Paul Fire & Marine Insurance Co.</i>	134
Note	138
The E.M. Ford Litigation	138
<i>East River Steamship Corp. v. Transamerica Delaval</i>	140
Notes	145
B. Injuries to Seamen	146
1. Historical Introduction	146
<i>The Osceola</i>	148
Notes	150
<i>Chelentis v. Luckenbach Steamship Co.</i>	151
Notes	152
<i>Panama Railroad Co. v. Johnson</i>	152
Notes	155
2. Maintenance and Cure	156
<i>Warren v. United States</i>	156
Notes	159
<i>Farrell v. United States</i>	161
Notes	164
Maintenance Rates	164
Damages for Failure to Provide Maintenance and Cure	165
Unearned Wages	165
3. The Negligence Cause of Action Provided by the Jones Act	167
Jones Act Coverage	167
<i>Gautreaux v. Scurlock Marine, Inc.</i>	168
Notes	171
<i>CSX Transportation, Inc. v. McBride</i>	172
Notes	178
4. Seamen's Actions for Injuries Caused by Unseaworthiness	178
<i>Mitchell v. Trawler Racer, Inc.</i>	179
Notes	185

<i>Usner v. Luckenbach Overseas Corp.</i>	186
Notes	189
5. Seaman Status	189
<i>Chandris Inc. v. Latsis</i>	189
Notes	199
C. The Longshore and Harbor Workers' Compensation Act	201
<i>Northeast Marine Terminal Co. v. Caputo</i>	202
Notes	208
<i>Howlett v. Birkdale Shipping Co.</i>	212
Notes	216
<i>Jones & Laughlin Steel Corp. v. Pfeifer</i>	216
Notes	218
D. Offshore Oil and Gas Workers	218
<i>Rodrigue v. Aetna Casualty & Surety Co.</i>	219
Notes	222
<i>Herb's Welding, Inc. v. Gray</i>	224
Note	229
<i>Pacific Operators Offshore, LLP v. Valladolid</i>	229
Note	232
E. Fatal Injury Litigation	233
<i>Moragne v. States Marine Lines, Inc.</i>	233
Notes	240
<i>Miles v. Apex Marine Corp.</i>	241
Notes	245
<i>Yamaha Motor Corp., U.S.A. v. Calhoun</i>	246
Notes	248
F. Punitive Damages	249
<i>Exxon Shipping Co. v. Baker</i>	249
Notes	258
<i>Atlantic Sounding Co. v. Townsend</i>	259
Notes	266
<i>The Dutra Group v. Batterton</i>	267
Notes	275
Chapter III · Carriage of Goods	277
A. Introduction	277
B. A Survey of the Leading Cargo Liability Regimes	279
1. The Harter Act	279
2. The Hague Rules and COGSA	280
The History of COGSA and the Hague Rules	280
Notes	281
3. The Hague-Visby and Hamburg Rules	282
Transport Law for the Twenty-First Century:	
An Introduction to the Preparation, Philosophy,	
and Potential Impact of the Rotterdam Rules	282
Notes	284
4. The Rotterdam Rules	284
Transport Law for the Twenty-First Century:	
An Introduction to the Preparation, Philosophy,	
and Potential Impact of the Rotterdam Rules	284

Notes	285
C. Delivery	286
<i>Farrell Lines, Inc. v. Highlands Insurance Co.</i>	286
Notes	288
D. The Cargo Claimant's Action under COGSA	288
1. The Plaintiff's <i>Prima Facie</i> Case	289
<i>Bally, Inc. v. M/V Zim America</i>	289
Notes	293
2. Burdens of Proof	295
<i>Lekas & Drivas, Inc. v. Goulandris</i>	295
Notes	299
E. Excepted Perils	301
1. Nautical fault — COGSA § 4(2)(a)	301
<i>The Germanic (Oceanic Steam Navigation Co. v. Aitken)</i>	301
Notes	302
2. Fire — COGSA § 4(2)(b)	303
3. Perils of the Sea — COGSA § 4(2)(c)	304
<i>Thyssen Inc. v. S/S Eurounity</i>	304
Notes	306
4. The "Q" Clause — COGSA § 4(2)(q)	307
<i>Quaker Oats Co. v. M/V Torvanger</i>	307
Notes	309
F. The Package Limitation	309
<i>Fishman & Tobin, Inc. v. Tropical Shipping & Construction Co.</i>	309
Notes	313
<i>Associated Metals & Minerals Corp. v. M/V Arktis Sky</i>	315
Notes	317
G. Negligent Third Parties	319
<i>Norfolk Southern Railway Co. v. James N. Kirby, Pty Ltd.</i>	320
Notes	323
H. Introduction to Charterparties	324
1. The Demise or Bareboat Charter	325
2. Voyage and Time Charters	325
3. The Voyage Charter	327
4. The Time Charter	328
5. The "Slot" or "Space" Charter	329
Chapter IV · Collision	331
<i>The Pennsylvania</i>	331
Notes	334
<i>United States v. Reliable Transfer Co.</i>	335
Notes	339
<i>United States v. Atlantic Mutual Insurance Co.</i>	339
Notes	341
<i>Otal Investments Ltd. v. M.V. Clary</i>	342
Notes	351
Chapter V · Towage and Pilotage	353
A. Towage	353
<i>In re Denet Towing Services, Inc.</i>	354

<i>Lone Star Industries, Inc. v. Mays Towing Co.</i>	355
Notes	358
<i>Dillingham Tug & Barge Corp. v. Collier Carbon & Chemical Corp.</i>	359
Notes	361
B. Pilotage	361
<i>The China</i>	361
Notes	363
<i>United States v. Nielson</i>	364
Notes	365
Chapter VI · General Average	367
A. Historical Background	367
Digest of Justinian	367
The Laws of Oleron	367
Notes	368
B. Introduction to the Current Doctrine	368
Problem	369
Notes	370
C. The Sacrifice	370
<i>Barnard v. Adams</i>	370
Note	373
<i>Ralli v. Troop</i>	373
Notes	375
D. The Peril	375
<i>Navigazione Generale Italiana v. Spencer Kellogg & Sons, Inc.</i>	375
Note	378
E. Vessel Fault	378
<i>The Jason</i>	378
Note	380
F. The Future of the Doctrine	381
Chapter VII · Salvage	383
<i>Markakis v. S/S Volendam</i>	383
Notes	386
<i>Margate Shipping Co. v. M/V JA Orgeron</i>	388
Notes	395
<i>Sea Hunt, Inc. v. Unidentified Shipwrecked Vessel</i>	398
Notes	401
Note on Contract Salvage	402
<i>Peninsular & Oriental Steam Navigation Co. v. Overseas Oil Carriers, Inc.</i>	404
Notes	407
Chapter VIII · Maritime Liens and Ship Mortgages	411
A. The Personification Theory	411
<i>Harmer v. Bell (The Bold Buccleugh)</i>	411
Notes	412
<i>Cavcar Co. v. M/V Suzdal</i>	413
Notes	416

B. Claims that Give Rise to Maritime Liens	417
<i>Osaka Shosen Kaisha v. Pacific Export Lumber Co. (The Saigon Maru)</i>	417
Notes	419
<i>Krauss Brothers Lumber Co. v. Dimon Steamship Corp. (The Pacific Cedar)</i>	419
Notes	421
C. The Commercial Instruments and Federal Maritime Lien Act (CIMLA)	422
1. Providing Necessaries to a Vessel	423
<i>Silver Star Enterprises, Inc. v. Saramacca MV</i>	423
Notes	425
2. On the Order of the Owner	426
3. On the Credit of the Vessel	426
4. Presumed Authority	427
D. Priority among Maritime Liens	427
<i>The John G. Stevens</i>	427
Notes	429
<i>The William Leishear</i>	430
Notes	432
E. Ship Mortgages	434
Priority Among Maritime Liens and Ship Mortgages	434
<i>Governor & Company of Bank of Scotland v. Maria S.J. M/V</i>	435
Notes	437
F. Bankruptcy	438
Introductory Note	438
<i>United States v. The Chandon</i>	439
Notes	441
Chapter IX · Limitation of Liability	443
<i>Empresa Lineas Maritimas Argentinas S.A. v. United States</i>	444
Notes	447
<i>Lewis v. Lewis & Clark Marine, Inc.</i>	448
Notes	453
Chapter X · Marine Insurance	455
Elementary Taxonomy	455
Two Troublesome Terms	455
A Little History	456
<i>Standard Oil Co. v. United States</i>	457
Notes	460
<i>Wilburn Boat Co. v. Fireman's Fund Insurance Co.</i>	461
Notes	464
<i>Albany Insurance Co. v. Anh Thi Kieu</i>	465
Notes	470
<i>Shaver Transportation Co. v. Travelers Indemnity Co.</i>	472
Notes	475
Chapter XI · Piracy and Drug Smuggling	477
<i>United States v. Shibin</i>	477
Notes	485
<i>United States v. Bellaizac-Hurtado</i>	488
Notes	493

Chapter XII · Admiralty and Oil Pollution	495
The <i>Exxon Shipping Case</i>	495
<i>In re Oil Spill By the Oil Rig “Deepwater Horizon”</i>	
<i>In the Gulf of Mexico on April 20, 2010</i>	495
Note	497
<i>In re Deepwater Horizon: United States v.</i>	
<i>B.P. Exploration & Production, Inc.</i>	498
Note	501
<i>In re Deepwater Horizon (Louisiana Parishes)</i>	501
Note	506
<i>In re Deepwater Horizon: OPA Damages</i>	506
Note	510
Chapter XIII · Sovereign Immunity	511
A. Federal Governmental Immunity	511
1. Government Contracts	511
2. Government Torts	512
<i>B & F Trawlers, Inc. v. United States</i>	513
Notes	516
B. State and Local Governmental Immunity	517
<i>In re Magnolia Marine Transport Co.</i>	517
Notes	519
<i>Northern Insurance Co. of New York v. Chatham County, Georgia</i>	520
Notes	521
C. Foreign Governmental Immunity	522
<i>Argentine Republic v. Amerada Hess Shipping Corp.</i>	522
Notes	525
Chapter XIV · Forum Shopping	527
Forum Shopping by Maritime Plaintiffs	527
Defensive Forum-Shopping	528
Choice of Law	528
A. Forum Selection, Arbitration, and Choice of Law Clauses in Maritime Contracts	529
<i>Vimar Seguros y Reaseguros, S.A. v. M/V Sky Reefer</i>	531
Notes	536
<i>Asignacion v. Rickmers Genoa Schiffahrts</i>	537
<i>Asignacion v. Rickmers Genoa Schiffahrtsgesellschaft mbH & Cie KG</i>	543
Notes	544
B. Forum Non Conveniens, Venue Transfer, Choice of Law	545
<i>Sinochem Int’l Co. Ltd. v. Malaysia Int’l Shipping Corp.</i>	545
Notes	548
<i>Camejo v. Ocean Drilling & Exploration</i>	549
Notes	552
Index	555

Table of Cases

Names of principal cases and the page numbers on which they are excerpted are in **bold**.

- 4,885 Bags of Linseed, 419
5801 Associates, Ltd. v. Continental Insurance Co., 472
A.M. Collins & Co. v. Panama Railroad Co., 319
Aasma v. American Steamship Owners Mutual Protection & Indemnity Association, 471
Abuan v. Smedvig Tankships, 537
Acadia Insurance Co. v. McNeil, 471
Acker v. City of Athens, 419
Ada, The, 8, 59
Adams v. Montana Power Co., 18
Adams v. Unione Mediterranea Di Scurta, 98
Adirondack League Club, Inc. v. Sierra Club, 18
Adler v. Dickson (The Himalaya), 320
Admiral Peoples, The, 39
AGF Marine Aviation & Transport v. Cassin, 471
Agrico Chemical Co. v. M/V Ben W. Martin, 358
Aguilar v. Standard Oil Co., 157–59, 162, 168
Air & Liquid Systems Corp. v. DeVries, 134, 148
Air Crash Disaster Near New Orleans, 550
Ajubita v. S/S Peik, 425
Akiyama Corp. of America v. M.V. Hanjin Marseilles, 320
Aktepe v. United States, 517
Alaska Steamship Co. v. Petterson, 181, 182, 184, 185
Albany Insurance Co. v. Anh Thi Kieu, 465, 470, 471
Alberto, In re, 441
Alcoa Steamship Co. v. M/V Nordic Regent, 553
Alden v. Maine, 518, 519, 520
Alexandria, The City of, 180
Ali, United States v., 482, 483, 485, 486
All Alaskan Seafoods, Inc. v. M/V Sea Producer, 435
Alleman v. Omni Energy Servs. Corp., 503
Allied Chemical Corp. v. Hess Tankship Co., 339
Allseas Maritime, S.A. v. M/V Mimosa, 395
AmClyde, McDermott, Inc. v., 108, 339
Amerada Hess Shipping Corp., Argentine Republic v., 522
American Dredging Co. v. Miller, 37, 113, 127, 528, 546
American Export Lines, Inc. v. Alvez, 148, 263
American Express Co. v. Italian Colors Restaurant, 544
American National Fire Insurance Co. v. Kenealy, 471
American River Transport Co., In re, 245
American Stevedores v. Porello, 59
Amiable Nancy, The, 251, 252, 260, 261
Amistad, United States v. The, 408
Ammar v. United, 164
Amoco Cadiz, In re Oil Spill by the, 55

- Amoco Overseas Oil Co. v. Compagnie Nationale Algerienne De Navigation, 99
- Anderson v. United States, 513
- Anh Thi Kieu, Albany Insurance Co. v., 465, 470, 471
- Appalachian Electric Power Co., United States v., 17
- Aqasia, The (Vinnlustodin HF v. Sea Tank Shipping AS), 315
- Archawski v. Hanioti, 50, 406
- Argentine Republic v. Amerada Hess Shipping Corp.**, 522
- Arizona v. Anelich, The, 263
- Arjona, United States v., 490, 491
- Asahi Metal Indus. Co. v. Superior Court, 95
- Asignacion v. Rickmers Genoa Schiffahrts**, 537
- Asignacion v. Rickmers Genoa Schiffahrtsgesellschaft mbH & Cie KG**, 543
- Askew v. American Waterways Operators, Inc., 504
- Associated Metals & Minerals Corp. v. M/V Arktis Sky**, 315, 317, 318
- Associated Metals & Minerals Corp. v. The Alexander's Unity, 435
- Atlantic & Gulf Stevedores, Inc. v. Ellerman Lines, Ltd., 84
- Atlantic Marine Construction Co. v. United States District Court for the Western District of Texas, 536
- Atlantic Mutual Insurance Co. (The Esso Belgium), United States v.**, 339
- Atlantic Sounding Co. v. Townsend**, 148, 165, 189, 259, 267–275
- Atlantic Star, The, 527
- Atlantic Transport Co. v. Imbrovek, 39
- Attorney General v. Adelaide Steamship Co., 460
- Ayers, Norfolk & Western Ry. Co. v., 167
- B & F Trawlers, Inc. v. United States**, 513
- Bach v. Trident Steamship Co., 201, 364
- Baker v. Director, Office of Workers' Compensation Programs, 29, 233
- Baker, Exxon Shipping Co. v. (The Exxon Valdez)**, 110, 249, 267, 272, 495
- Baker v. Ocean Systems, Inc., 159
- Balbuena-Peguero, United States v., 493
- Baldassarro v. United States, 164, 516
- Ballard Shipping Co. v. Beach Shellfish**, 111, 115, 126, 127, 146
- Bally, Inc. v. M/V Zim America**, 289, 294, 295, 309
- Bank of Scotland, Governor & Company of, v. Maria S.J. M/V**, 435
- Bank One, Louisiana N.A. v. Mr. Dean MV, 437
- Barlow v. Pan Atlantic Steamship Corp., 159
- Barlum Steamship Co., Detroit Trust Co. v. (The Thomas Barlum), 108, 434
- Barnard v. Adams**, 369, 370, 373
- Barnes v. Andover Co., 165, 166
- Barnstable, The, 414, 415
- Barrett v. Chevron, U.S.A., Inc., 195, 197
- Barrios v. Centaur, L.L.C., 64
- Barry v. Edmunds, 260, 261, 266
- Bartholomew v. Crowley Marine Serv., 396
- BASF Wyandotte Corp. v. Tug Leander, Jr., 360
- Bastion, United States v., 493
- Batterton v. Dutra Group, 267
- Batterton, Dutra Group v.**, 148, 267, 275
- Bautista v. Star Cruises, 537
- Beacon Theatres, Inc. v. Westover, 83–87
- Beatrice, The, 375
- Belcher Oil Co. v. M/V Gardenia, 427
- Belfast, The, 51
- Bellaizac-Hurtado, United States v.**, 488, 493
- Bendix Autolite Corp. v. Midwesco Enterprises, Inc., 127
- Berg v. Chevron U.S.A, 44
- Berkshire Fashions, Inc. v. The M.V. Hakusan II, 60
- Berwindglen, The S.S., 159
- Bethlehem Steel Corp., In re, 453
- Bienvenu v. Texaco, Inc., 209
- Bilyk v. The Vessel Nair, 553
- Binladen BSB Landscaping v. M.V. “Nedlloyd Rotterdam”, 311
- Bisso v. Inland Waterways Corp., 360, 361, 365
- Blackwall, The, 390–396
- Blake v. Farrell Lines, Inc., 87

- Blandon, The, 415
- BMW of North America, Inc. v. Gore, 255–57
- Board of Commissioners of Orleans Levee District v. M/V Belle of Orleans, 26
- Board of Trade v. Hain Steamship Co., 460
- Bogart v. The John Jay, 434
- Bold Buccleugh (Harmer v. Bell), The**, 411, 412, 429
- Boudreaux v. Transocean Deepwater, Inc., 160
- B.P. Exploration & Production, Inc., In re Deepwater Horizon: United States v.**, 498, 501
- Bradford Marine v. M/V Sea Falcon, 426
- Braen v. Pfeifer Oil Transportation Co., 168
- Brame, Insurance Co. v., 234, 235
- Bremen, The, 361, 529–31, 533, 537
- Brier v. Northstar Marine, Inc., 403
- Brister v. A.W.I., Inc., 447
- Brother Jonathan (California v. Deep Sea Research, Inc.), The, 400, 402, 519
- Brotherhood Shipping Co. v. St. Paul Fire & Marine Insurance Co.**, 134
- Brown v. ITT Rayonier, Inc., 192
- Brown v. Parker Drilling Offshore Corp., 160
- Buccina v. Grimsby, 107
- Buckley, Metro-North Commuter Railroad Co. v., 167
- Bunch v. Canton Marine Towing Co., 25
- Bunge Corp. v. Freeport Marine Repair, Inc., 335
- Bunge Corp. v. M/V Furness Bridge, 335
- Burks v. American River Transportation Co., 27
- Burnham v. Superior Court, 101
- Burns Brothers v. Central Railroad of New Jersey, 416
- Butler v. Boston & Steamship Co., 108
- Bywell Castle, The, 335
- C.J. Hendry Co. v. Moore, 74, 439
- C.P. Minch, The, 387
- Cabot/Dedalo, United States v. Ex-USS, 387
- Cactus Pipe & Supply Co. v. M/V Montmartre, 326
- Caicedo, United States v., 493
- Calavan Foods, Inc. v. National Shipping Corp. of the Philippines, 306
- Caldwell v. St. Charles Gaming Co., 30
- Calhoun, Yamaha Motor Corp., U.S.A. v.**, 47, 127, 128, 240, 246, 248
- California v. Deep Sea Research, Inc. (The Brother Jonathan), 400, 402, 519
- Callahan v. Cheramie Boats, Inc., 223
- Calmar Steamship Corp. v. Scott, 464
- Calmar Steamship Corp. v. Taylor, 160, 162
- Camanche, The, 404
- Camejo v. Ocean Drilling & Exploration**, 549, 552
- Caminiti v. Tomlinson Fleet & American Steamship Co., 408
- Campbell, State Farm Mutual Automobile Insurance Co. v., 255–57
- Canadian Transport Co. v. United States, 515
- Caputo, Northeast Marine Terminal Co. v.**, 201, 202, 208, 209, 226, 227
- Cardales-Luna, United States v., 493
- Cardinal Shipping Corp. v. M/S Seisho Maru, 427
- Carlisle Packing Co. v. Sandanger, 180, 182
- Carman Tool & Abrasives, Inc. v. Evergreen Lines, 318
- Carnival Cruise Lines, Inc. v. Shute, 530, 531, 533, 534, 536, 537
- Carroll Towing Co., United States v., 135, 138
- Carroll v. Protection Maritime Insurance Co., 40
- Carvajal, United States v., 493
- Cash v. Tidewater Marine, Inc., 167
- Cassidy v. Murray, 106
- Catlin (Syndicate 2003) at Lloyd's v. San Juan Towing & Marine Services, Inc., 471
- Cavcar Co. v. M/V Suzdal**, 413
- Celebrity Cruises, Inc., Doe v., 50
- Cement Division v. Milwaukee (The E.M. Ford Litigation), 138–140
- Central Gulf Lines, Inc., Exxon Corp. v., 58, 62, 114
- Chandon, United States v. The**, 439, 442

- Chandris Inc. v. Latsis**, 22, 24, **189**, 199–200, 231, 262
- Chapman v. City of Grosse Pointe Farms, 35, 48
- Chattahoochee, The, 302, 340
- Chelentis v. Luckenbach Steamship Co.**, 118, **151**, 152, 154
- China, The**, 100, **361**, 413
- Christopher Columbus, In re, 40
- Churchill v. F/V Fjord, 416
- CITGO Asphalt Refining Co. v. Frescati Shipping Co., 324
- City of Alexandria, The, 180
- City of Carlisle, The, 146, 261
- Clark v. Barnwell, 298
- Clary, Otal Investments Ltd. v. M.V.**, **342**, 351
- Clearlake Shipping Pte Ltd. v. NuStar Energy Services, Inc., 426
- Colby v. Todd Packing Co., 397
- Coleman v. New Orleans & Baton Rouge Steamship Pilots' Association, 363
- College Savings Bank v. Florida Prepaid Postsecondary Education Expense Board, 518
- Collie v. Ferguson, 437
- Colon v. Apex Marine Corp., 168
- Columbus-America Discovery Group v. Atlantic Mutual Insurance Co., 395, 401
- Commercial Transport. Co. v. Fitzhugh, 99
- Conner v. Alfa Laval, Inc., 46
- Consolidated Rail Corp. v. Gottshall, 167, 173
- Continental Grain Co. v. Barge FBL-585, 100, 417
- Continental Insurance Co. v. Lone Eagle Shipping Ltd., 461
- Cooley v. Board of Wardens, 363
- Coos County, Imperial Fire Insurance Co. v., 462
- Cope v. Vallette Dry Dock Co., 23, 397
- Cortes v. Baltimore Insular Line, Inc., 167, 265
- Coryell v. Colbaugh, 260
- Costa Crociere v. Rose, 164
- Cox v. Dravo Corp., 164
- Craddock International Inc. v. W.K.P. Wilson & Son, Inc., 315
- Crotwell v. Hockman-Lewis, Ltd., 48
- Crowell v. Benson, 108, 210, 211
- Crown Zellerbach Corp. v. Ingram Industries, Inc., 448
- Crumady v. The J. H. Fisser, 188
- CSX Transportation, Inc. v. McBride**, 171, 172, 178, 186
- CTI-Container Leasing Corp. v. Oceanic Operations Corp., 59
- Curtis v. Schlumberger Offshore Service, Inc., 230
- Custom Fuel Services, Inc. v. Lombas Industries, Inc., 437
- Dabney v. New England Mutual Marine Insurance Co., 375
- Damodar Bulk Carriers, In re, 304
- Daniel Ball, The, 17, 19, 30
- Daughdrill v. Diamond M. Drilling Co., 159
- David Wright Charter Service v. Wright, 45
- Davis v. Department of Labor & Industries of Washington, 204, 211
- Davis, United States v., 493
- Dawson & Co., Washington v. W.C., 108, 203
- Day v. Woodworth, 260
- De La Rosa v. St. Charles Gaming Co., 26
- Deepwater Horizon (Louisiana Parishes), In re**, **501**, 506
- “Deepwater Horizon” In the Gulf of Mexico on April 20, 2010, In re Oil Spill By the Oil Rig**, 258, 259, 495
- Deepwater Horizon: OPA Damages, In re**, **506**
- Deepwater Horizon: United States v. B.P. Exploration & Production, Inc., In re**, **498**, 501
- DeLovio v. Boit**, 4, 5, 8, 9, 51
- Delta Country Ventures, Inc. v. Magana, 43, 45
- De Los Santos, Scindia Steam Navigation Co. v., 213, 214, 216, 218
- Demsey & Associates, Inc. v. Steamship Sea Star, 416
- Denet Towing Services, Inc., In re**, **354**
- Detroit Trust Co. v. Barlum Steamship Co. (The Thomas Barlum), 108, 434
- DeVaux v. Salvador, 457

- DeVries, Air & Liquid Systems Corp. v., 134, 148
- DiGiovanni v. Traylor Brothers, Inc., 21
- Dillingham Tug & Barge Corp. v. Collier Carbon & Chemical Corp.**, 359, 361
- Dire, United States v., 480, 481, 485
- Director, OWCP v. Perini North River Associates, 209, 210, 225
- Dluhos v. Floating & Abandoned Vessel, 88
- Doe v. Celebrity Cruises, Inc., 50
- Doiron, Inc., In re Larry, 64, 224
- Dooley v. Korean Air Lines Co., 245
- Downs v. United States, 515
- Dresdner Bank A.G. v. M/V Olympia Voyager, 421, 553
- Duluth Superior Excursions v. Makela, 50
- Dune Energy, Inc. v. Frogco Amphibious Equipment, LLC., 29
- Dunham v. Hotelera Canco S.A., 20
- Dunham, Insurance Co. v., 51–53, 55, 62, 462
- Dutra Construction Co., Stewart v.**, 20, 21, 25–28, 48, 49, 200, 218, 443
- Dutra Group v. Batterton**, 148, 267, 275
- E.M. Ford (Milwaukee v. Cement Division), The, 138–140
- Eagle, The**, 13
- Eagle-Picher Industries v. United States, 45
- East River Steamship Corp. v. Transamerica Delaval, Inc.**, 36, 46, 56, 140, 145, 146, 267
- Eastland, The, 409
- Economy Light & Power Co. v. United States, 18
- Edith Godden, The, 149
- Edmonds v. Compagnie Generale Transatlantique, 217
- Elfrida, The, 403
- Elwell v. Martin, 146
- Employers' Liability Cases (Howard v. Illinois Central Railroad Co.), 150
- Employers' Liability Cases, Second (Mondou v. New York, N.H. & H. Railroad Co.), 151
- Empresa Lineas Maritimas Argentinas S.A. v. United States**, 444, 447, 448
- England v. Reinauer Transportation Cos., 216
- Epstein v. Corporation Peruana de Vapores, 427
- Equilease Corp. v. M/V Sampson, 424–26, 437
- Erie Railroad Co. v. Tompkins**, 115, 119, 121–24, 157, 252, 266, 458, 462
- Esso Belgium (United States v. Atlantic Mutual Insurance Co.), The**, 339
- Evanow v. M/V Neptune, 404
- Evans v. United Arab Shipping Co., 364
- Evansville & Bowling Green Packet Co. v. Chero Cola Bottling Co., 23, 28
- Executive Jet Aviation, Inc. v. City of Cleveland, 31–35, 38–40, 45, 46, 48, 50
- Ex-USS Cabot/Dedalo, United States v., 387
- Exxon Corp. v. Central Gulf Lines, Inc., 58, 62, 114
- Exxon Shipping Co. v. Baker (The Exxon Valdez)**, 110, 249, 267, 272, 495
- Exxon Valdez (Exxon Shipping Co. v. Baker), The**, 110, 249, 267, 272, 495
- Falconbridge Nickel Mines, Ltd. v. Chimo Shipping Ltd., 315
- Farrell Lines Inc. v. Ceres Terminal Inc., 88
- Farrell Lines, Inc. v. Highlands Insurance Co.**, 286
- Farrell v. United States**, 156, 161, 164, 166
- Federal Insurance Co. v. Union Pacific Railroad Co., 324
- Federal Maritime Commission v. South Carolina Ports Authority, 518, 521
- Feres v. United States, 513
- Ferguson v. Moore-McCormack Lines, Inc., 178
- Fernandez v. Haynie, 59
- Ferromet Resources, Inc. v. Chemoil Corp., 427
- Ferrostaal, Inc. v. M/V Sea Phoenix, 318
- Figueroa v. Marine Inspection Services, LLC, 106
- Fine v. Rockwood, 387
- Fireman's Fund Insurance Co. v. Great American Insurance Co., 471
- Fireman's Fund Insurance Co. v. M/V DSR Atlantic, 536
- Fishman & Tobin, Inc. v. Tropical Shipping & Construction Co.**, 309

- Fitzgerald v. United States Lines Co.**, 80, 81, 82, 85, 156, 265
- Flores, United States v., 493
- Florida Department of State v. Treasure Salvors, Inc., 402, 519
- Florida Prepaid Postsecondary Education Expense Board, College Savings Bank v., 518
- Flota Maritima Browning De Cuba, Sociedad Anonima v. Snobl, 59
- Fluor Western, Inc. v. G & H Offshore Towing Co., 360
- FMC Corp. v. S.S. Marjorie Lykes, 315
- Folksamerica Reinsurance Co. v. Clean Water of New York, Inc., 63
- Ford, P.C. Pfeiffer Co. v., 208, 227
- Foremost Insurance Co. v. Richardson, 32–35, 38, 45, 47
- Foss Launch & Tug Co. v. Char Ching Shipping U.S.A., Ltd., 424
- Framlington Court, The, 363
- Francosteel Corp. v. M/V Sherene, 295
- Frank G. Fowler, The, 428
- Fredelos v. Merritt-Chapman & Scott, 433
- Frederick v. Kirby Tankships, Inc., 164
- Friedman v. Cunard Line Ltd, 46
- Furlong, United States v., 489
- Fuszek v. Royal King Fisheries, 171
- G&G Shipping Co. Ltd. of Anguilla, In re Complaint of, 303
- Galilea, LLC v. AGCS Marine Insurance Co., 471
- Garay v. Carnival Cruise Line, 159
- Gardiner v. Sea-Land Service, Inc., 164
- Garnett, In re, 108
- Garris, Norfolk Shipbuilding & Drydock Corp. v., 240, 264–66
- Gaudet, Sea-Land Services, Inc. v., 240–43, 245
- Gautreaux v. Scurlock Marine, Inc.**, 168, 171
- Gautreaux v. Trinity Trading Group, Ltd., 29
- GDG Acquisitions, LLC v. Government of Belize, 554
- General Smith, The, 422
- Genesee Chief v. Fitzhugh, The**, 9, 10, 14, 108, 211
- Georgia, United States v., 520
- Germanic (Oceanic Steam Navigation Co. v. Aiken), The**, 301, 302
- GF Co. v. Pan Ocean Shipping Co., 294
- Ghotra v. Bandila Shipping, Inc., 87
- Gilbert, Gulf Oil Corp. v., 547, 548, 550–52, 554
- Gillespie v. United States Steel Corp., 238
- Gillis v. Louisiana, 363
- Girard v. M/V “Blacksheep”, 387
- Gizoni, Southwest Marine, Inc. v., 194
- Glendola, The, 138
- Gloria, Pacific Employers Insurance Co. v. The M/V, 288
- Glynn v. Roy Al Boat Management Corp., 260, 267
- Gonzales v. Naviera Neptuno, S.A., 552
- Gonzales, United States v., 321
- Gore, BMW of North America, Inc. v., 255–57
- Gottshall, Consolidated Rail Corp. v., 167, 173
- Gould v. Christianson, 146
- Governor & Company of Bank of Scotland v. Maria S.J. M/V**, 435
- Gowen, Inc. v. F/V Quality One, 413
- Grand Bahama Petroleum Co. v Canadian Transp. Agencies, Ltd.**, 98, 99
- Grant v. Poillon, 59
- Gray, Herb’s Welding, Inc. v.**, 64, 209, 210, 223, 224, 229
- Great China Metal Industries Co. v. Malaysian International Shipping Corp. Berhad, 306
- Great Northern Railroad Co. v. O’Connor, 322, 323
- Green v. Vermilion Corp., 189
- Gremillion v. Gulf Coast Catering Co., 25, 29
- Grennan v. Crowley Marine Services, 210
- Griffin v. Ocean Contractors, Inc., 166
- Grubart, Inc. v. Great Lakes Dredge & Dock Co., Jerome B.**, 30, 41, 43–49, 51, 447
- Guevara v. Maritime Overseas Corp., 189, 259, 261, 267
- Gulf Marine & Industrial Supplies, Inc. v. Golden Prince M/V, 425
- Gulf Offshore Co. v. Mobil Oil Corp., 224, 503

- Gulf Oil Corp. v. Gilbert, 547, 548, 550–52, 554
- Guste v. M/V Testbank, State of Louisiana ex rel., 146, 335
- Gutierrez v. Waterman Steamship Corp., 33
- Guy v. Donald, 364
- H.R.M., Inc. v. S/V Venture VII, 394
- H2O Houseboat Vacations, Inc. v. Hernandez, 45
- Hadley v. Baxendale, 322
- Hamburg-American Line v. United States, 397
- Hamilton v. Atlas Turner, Inc., 91
- Hamilton, The, 237
- Haney v. Miller's Launch, Inc., 164
- Harbor Tug & Barge Co. v. Papai, 200, 201
- Harden v. Gordon, 147, 191, 261, 268
- Hargus v. Ferocious & Impetuous, LLC, 41
- Harmer v. Bell (The Bold Buccleugh)**, 411, 412, 429
- Harrisburg, The, 233–240, 246, 247
- Harrison v. Glendel Drilling Co., 46
- Hartford Fire Insurance Co. v. California, 553
- Hartford Fire Insurance Co. v. Orient Overseas Containers Lines (UK) Ltd., 60
- Harwood v. Partredereit AF 15.5.81, 189
- Hasan, United States v., 481, 486
- Haskins v. Point Towing Co., 82
- Haverty, International Stevedoring Co. v., 193
- Hawn, Pope & Talbot, Inc. v.**, 122, 124, 126, 132, 143, 248, 338
- Hayes-Leger Associates, Inc. v. M/V Oriental Knight, 311
- Healy Tibbits Builders, Inc. v. Director, OWCP, 210
- Heitner, Shaffer v., 89, 95, 98–101
- Helicopteros Nacionales de Colombia, S.A. v. Hall, 95
- Hellenic Lines, Ltd. v. Rhoditis, 541, 550, 553
- Hener v. United States, 402
- Henley Drilling Co. v. McGee, 318
- Herb's Welding, Inc. v. Gray**, 64, 209, 210, 223, 224, 229
- Herd & Co. v. Krawill Machinery Corp., Robert C., 319–21, 323
- Hickam v. Segars, 45
- Higginbotham, Mobil Oil Corp. v., 241–43, 248, 264
- HIH Marine Services, Inc. v. Fraser, 471
- Hillier v. Southern Towing Co., 513
- Himalaya (Adler v. Dickson), The, 320
- Hine v. Trevor, The, 67, 74, 422
- Hines v. J.A. LaPorte, Inc., 259, 263
- Historic Aircraft Recovery Corp. v. Wrecked and Abandoned Voight F4U-1 Corsair Aircraft, 387
- Holmes v. Atlantic Sounding Co., 25, 28
- Homer Ramsdell Transportation Co. v. La Compagnie Generale Transatlantique, 363
- Horsley v. Mobil Oil Corp., 245
- Houma Well Service, Inc. v. Tug Capt. O'Brien, 359
- Houseman v. The North Carolina, 386
- Howard v. Crystal Cruises, Inc., 51, 486
- Howard v. Illinois Central Railroad Co. (Employers' Liability Cases), 150
- Howlett v. Birkdale Shipping Co.**, 201, 212, 218
- I & M Rail Link v. Northstar Navigation, 101, 335
- Imperial Fire Insurance Co. v. Coos County, 462
- Incandela v. American Dredging Co., 164
- Indian Towing Co. v. United States, 515
- Indussa Corp. v. S.S. Ranborg, 531–33, 535, 536
- ING Bank N.V. v. M/V Temara, 426
- Ingersoll Milling Machine Co. v. M/V Bodena, 59
- Institute of Cetacean Research v. Sea Shepherd Conservation Society, 485
- Insurance Co. of North America v. M/V Imperial, 295
- Insurance Co. v. Brame, 234, 235
- Insurance Co. v. Dunham, 51–53, 55, 62, 462
- Insurance Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee, 89

- International Aircraft Recovery, L.L.C. v. Unidentified, Wrecked & Abandoned Aircraft, 397, 402
- International Paint Co. v. M/V Mission Viking, 433
- International Paper Co. v. Ouellette, 503–05
- International Shoe Co. v. Washington, 90, 95, 98–100
- International Stevedoring Co. v. Haverty, 193
- Intertanko (United States v. Locke), 116
- Ionian Glow Marine v. United States, 513
- Iroquois, The, 165
- Irrawaddy, The, 379, 380
- ISI International, Inc. v. Borden Ladner Gervais, 97
- J. Lauritzen A/S v. Dashwood Shipping, Ltd., 40
- Jacintoport Corp. v. Greater Baton Rouge Port Commission, 522
- Jack Neilson, Inc. v. Tug Peggy, 55
- Jackson v. Steamboat Magnolia, 10
- Jacksonville Shipyards v. Perdue, 211
- Jacobellis v. Ohio, 29
- Jamison v. Encarnacion, 167
- Jason, The**, 341, 378
- Jay v. Almy, 146
- Jefferson, The Steamship, 54
- Jefferson, The Thomas**, 8, 9, 13, 53, 211
- Jensen, Southern Pacific Co. v.**, 112, 113, 115, 116, 118, 124–26, 128, 186, 203, 204, 211, 422
- Jerome B. Grubart, Inc. v. Great Lakes Dredge & Dock Co.**, 30, 41, 43–49, 51, 447
- John G. Stevens, The**, 427, 429, 430, 441
- John Perkins, The, 375
- Johnson v. Continental Grain Co., 189
- Johnson v. Offshore Express, Inc., 186
- Johnson, Panama Railroad Co. v.**, 152, 167
- Jones & Laughlin Steel Corp. v. Pfeifer**, 201, 216, 218, 415
- Jones v. Sea Tow Services Freeport NY Inc., 403
- Joyce v. Maersk Line Ltd., 165
- Just v. Chambers, 112, 125
- Kaiser Aetna v. United States, 15
- Kalafrana Shipping v. Sea Gull Shipping Co., 55
- Kamani v. Port of Houston Authority, 522
- Kanematsu USA, Inc. v. M/V Ocean Sunrise, 536
- Kathriner v. UNISEA, Inc., 24
- Kelly v. Smith, 36, 46
- Kelly v. United States, 40, 44
- Kensington, The, 302
- Keokuk, The, 419
- Kermarec v. Compagnie Generale Transatlantique**, 131, 133, 134, 138, 142, 240, 248
- Keys Jet Ski, Inc., In re, 443
- Kimta A/S v. Royal Insurance Co., 460
- King v. Allstate Insurance Co., 469
- Kiobel v. Royal Dutch Petroleum Co., 483–86
- Kirby, Pty Ltd., Norfolk Southern Railway Co. v. James N.**, 55, 60, 127, 315, 320, 330
- Kloeckner Reederei Und Kohlenhandel, G.M.B.H. v. A/S Hakedal (The Western Farmer), 453
- Knickerbocker Ice Co. v. Stewart, 108, 186, 203
- Knott v. Botany Worsted Mills, 289, 302, 534, 535
- Koistinen v. American Export Lines, 159
- Koon v. United States, 255
- Kossick v. United Fruit Co.**, 56, 61, 62, 115, 124, 126–28
- Koster v. (American) Lumbermens Mutual Casualty Co., 546, 548
- Kotch v. Board of River Pilot Commissioners, 363
- Kraljic v. Berman Enterprises, Inc., 165
- Krauss Brothers Lumber Co. v. Dimon Steamship Corp. (The Pacific Cedar)**, 419
- Krenger v. Pennsylvania Railroad, 529
- Kreta Shipping, S.A. v. Preussag International Steel Corp., 451
- Kroemer v. Guglielmo, 443
- Krystal Inc. v. China United Transport, Inc., 318
- Kuehne & Nagel (Ag & Co.) v. Geosource, Inc., 40, 60

- La Esperanza de P.R., Inc. v. Perez & Cia. De P.R., Inc., 361
- LaBouf Brothers Towing Co., United States v., 439
- Lake Shore & Michigan Southern R. Co. v. Prentice, 251, 252, 260, 266
- Lake Tankers Corp. v. Henn, 450–52
- Lambros Seaplane Base v. The Batory, 397
- Lanasa Fruit Steamship & Importing Co. v. Universal Insurance Co., 460
- Langnes v. Green, 450–51
- Larry Doiron, Inc., In re, 64, 224
- Larsen, Lauritzen v., 80, 351, 541, 550, 553
- Latsis, Chandris Inc. v.**, 22, 24, **189**, 199–200, 231, 262
- Lauritzen v. Larsen, 80, 351, 541, 550, 553
- Lawrence v. Minturn, 377
- LeBlanc v. Cleveland**, 16, 19, 20
- Lekas & Drivas, Inc. v. Goulandris**, 295
- Leon v. Galceran, 69
- “Leslie Lykes,” Westinghouse Electric Corp. v. M/V, 304
- Lewis v. Lewis & Clark Marine, Inc.**, **448**, 453
- Lewis v. S.S. Baume, 88
- Liaw Su Teng v. Skaarup Shipping Corp., 528
- Liberty Woods International, Inc. v. M/V Ocean Quartz, 536
- Lindgren v. United States, 238
- Linton v. Great Lakes Dredge & Dock Co., 115
- Lisbon, The, 522
- Lochner v. New York, 128
- Locke (Intertanko), United States v., 116
- Lockhart v. Fretwell, 116
- Lockheed Martin Corp. v. Morganti, 19, 209
- Lockheed Martin Corp., In re**, **83**
- Lone Star Industries, Inc. v. Mays Towing Co.**, **355**, 358
- Lortie v. American-Hawaiian Steamship Co., 159
- Lottawanna, The, 127
- Louisiana Ship Management, Inc., In re, 438
- Louisiana v. M/V Testbank, 146, 335
- Louisiana, The, 334, 335
- Louisiana, United States v., 218
- Louisville Underwriters, In re, 99, 527, 528
- Lozman v. City of Riviera Beach**, 20, 25, 29, 30
- Luera v. M/ V Alberta, 87
- Lynch v. McFarland, 20
- Lynnhaven Dolphin Corp. v. E.L.O. Enterprises, 55
- Macedo v. F/V Paul & Michelle, 164
- MacPherson v. Buick Motor Co., 142
- Madruga v. Superior Court**, 65, 72, 74, 88
- Magnolia Marine Transport Co., In re**, **517**
- Magnolia, Jackson v. Steamboat, 10
- Mahnich v. Southern Steamship Co., 181, 183–185, 188, 269
- Mahramas v. American Export Isbrandtsen Lines, 186
- Maine, United States v., 218
- Man Ferrostaal v. M/V Vertigo, 351
- Mandu, The, 351
- Manro v. Almeida, 8
- Mapco Petroleum, Inc. v. Memphis Barge Line, 444
- Marathon Pipe Line Co., Northern Pipeline Construction Co. v., 439
- Margate Shipping Co. v. M/V JA Orgeron**, **388**, 395, 396
- Margarita, The, 146
- Marine Coatings of Alabama v. United States, 512
- Marine Transit Corp. v. Dreyfus, 417
- Marinechance Shipping, Ltd. v. Sebastian, 537
- Markakis v. S/S Veendam (ex S/S Monarch Star), 396
- Markakis v. S/S Volendam**, **383**, 387, 396, 409
- Marriott v. Sedco Forex International Resources, 552
- Martello, The, 334
- Martin v. Fab-Con, Inc., 29
- Martin v. Herzog, 334
- Martinez-Hidalgo, United States v., 493
- Mary, The, 71, 72, 74, 331, 336, 464
- Mattocks v. Great Lakes Towing Co. (The Eastland), 409
- McAllister v. United States, 107

- McBride, CSX Transportation, Inc. v.**, 171, 172, 178, 186
- McBride v. Estis Well Service, 267
- McCorpen v. Central Gulf Steamship Corp., 160
- McDermott International, Inc. v. Wilander, 22, 191–196, 199
- McDermott, Inc. v. AmClyde, 108, 339
- McDonough v. Royal Caribbean Cruises, Ltd., 46
- McMellon v. United States, 513
- McMillan v. Tug Jane A. Bouchard, 160
- Merchants National Bank v. Dredge General G.L. Gillespie, 100
- Merritt & Chapman Derrick & Wrecking Co. v. United States, 388
- Messier v. Bouchard Transportation, 160
- Metal Processing, Inc. v. Humm, 361
- Methodist Episcopal Hospital v. Pacific Transport Co., 57
- Metro-North Commuter Railroad Co. v. Buckley, 167
- Michalic v. Cleveland Tankers, Inc., 186
- Michigan Central Railroad Co. v. Vreeland, 243
- Mid-South Holding Co. v. United States, 516
- Mikinberg v. Baltic Steamship Co., 321
- Miles v. Apex Marine Corp.**, 109, 110, 240, 241, 245, 247, 248, 258, 259, 263–67, 269–75, 338
- Miles v. Melrose, 46
- Millenium Seacarriers, Inc., In re, 438
- Miller v. Penobscot Bay Medical Associates, 40
- Miller v. Philips Petroleum Company Norway, 552
- Miller, American Dredging Co. v., 37, 113, 127, 528, 546
- Mills v. Director, 229, 230, 233
- Milwaukee v. Cement Division (The E.M. Ford Litigation), 138–140
- Mini Lass, Pacific Employers Insurance Co. v. M/V, 295
- Minnie v. Port Huron Terminal Co., 39
- Minturn v. Maynard, 58, 59
- Mitchell v. Trawler Racer, Inc.**, 108, 179, 185, 187–89
- Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc., 534, 540–44
- Mitsui & Co. v. Mira M/V, 536
- Mobil Oil Corp. v. Higginbotham, 241–43, 248, 264
- Mobro Marine, Inc., In re, 443
- Modern Boats, Inc., In re, 438
- Molett v. Penrod Drilling Co, 36
- Mondou v. New York, N.H. & H. Railroad Co. (Second Employers' Liability Cases), 151
- Monessen Southwestern Railroad Co. v. Morgan, 177
- Monica Textile Corp. v. S/S Tana, 313
- Montello, The, 17, 18
- Moody v. Boston and Maine Corp., 176
- Moore v. Angela MV, 216
- Moragne v. States Marine Lines, Inc.**, 233, 240–44, 246–48, 264, 265, 267
- Morales v. Garijak, Inc., 165
- Morganti, Lockheed Martin Corp. v., 19, 209
- Morrison v. National Australia Bank Ltd., 483
- Moses Taylor, The**, 51, 66, 67, 73
- Motts v. M/V Green Wave, 51
- Mount Washington Tanker Co. v. Wahyuen Shipping, Inc., 335
- Mujica v. AirScan, Inc., 553
- Mulhouse, The, 408
- Muller v. Swedish American Line Ltd., 535
- Muniz, United States v., 515
- Myhran v. Johns-Mansville Corp., 45
- N.M.U. Life Insurance Co. v. Linard, 474
- Nacirema Operating Co. v. Johnson, 204
- National Union Fire Insurance Co. v. Republic of China, 461
- Navieros Inter-Americanos, S.A. v. M/V Vailia Express, 419, 426
- Navigazione Generale Italiana v. Spencer Kellogg & Sons, Inc.**, 375
- Neely v. Club Med Management Services, Inc., 553
- Nestor, The, 412
- Nevada v. Hall, 519
- New Hampshire Insurance Co. v. C'Est Moi, Inc., 471
- New Jersey Steam Navigation Co. v. Merchant's Bank (The Lexington), 51

- New Orleans Depot Services v. Director, 210
- New York Central Railroad Co. v. Chisholm, 486
- New York Dock Co. v. The Poznan, 415, 421, 431, 432
- New York, Ex parte, 402, 519
- New York Marine & General Insurance Co. v. Continental Cement Co., 471
- Nicholson v. Erie R. Co., 176
- Nielson, United States v., 364**
- Nitram, Inc. v. Cretan Life, 299
- Noble Drilling Corp. v. Smith, 223
- Noddleburn, The, 270
- Norfolk & Western Railway Co. v. Ayers, 167
- Norfolk Shipbuilding & Drydock Corp. v. Garris, 240, 264–66
- Norfolk Southern Railway Co. v. James N. Kirby, Pty Ltd., 55, 60, 127, 315, 320, 330**
- Norfolk Southern Railway Co. v. Sorrell, 171, 175
- North Pacific Steamship Co. v. Hall Brothers Marine Railway & Shipbuilding Co., 52**
- Northeast Marine Terminal Co. v. Caputo, 201, 202, 208, 209, 226, 227**
- Northeast Research, LLC v. One Shipwrecked Vessel, 401
- Northern Insurance Co. of New York v. Chatham County, Georgia, 520**
- Northern No. 30, The, 375
- Northern Pipeline Construction Co. v. Marathon Pipe Line Co., 439
- Northwest Airlines, Inc. v. Transport Workers Union, 108
- Northwestern Mutual Life Insurance Co. v. Linard, 474
- Norwich Co. v. Wright, 444, 447
- NuStar Energy Services, Inc. v. M/V COSCO Auckland, 426
- O'Connor, Great Northern Railroad Co. v., 322, 323
- O'Donnell v. Great Lakes Dredge & Dock Co., 39, 50, 159, 167, 168, 263
- O'Melveny & Myers v. Federal Deposit Insurance Corp., 114
- Oceanic Steam Navigation v. Aiken (The Germanic), 301, 302**
- Offshore Co. v. Robison, 191, 195–97
- Offshore Logistics, Inc. v. Tallentire, 46, 112, 241, 248
- Offshore Marine Towing, Inc., In re, 453
- Ogden v. GlobalSantaFe Offshore Services, 98
- Oil Shipping (Bunkering) B.V. v. Sonmez Denizcilik Ve Ticaret A.S., 413, 421
- Oil Spill by the Amoco Cadiz, In re, 55
- Oil Spill By the Oil Rig “Deepwater Horizon” In the Gulf of Mexico on April 20, 2010, In re, 258, 259, 495**
- Omni Capital International, Ltd. v. Rudolf Wolff & Co., 89, 262
- Ope Shipping, Ltd. v. Allstate Insurance Co., 461
- Oppen, Union Oil Co. v., 111
- Oregon, The, 131, 334
- Oriente Commercial, Inc. v. M/V Floridian, 435
- Ormerod v. Hedger Transportation Co., 404
- Osaka Shosen Kaisha v. Pacific Export Lumber Co. (The Saigon Maru), 417, 420, 421**
- Osceola, The, 56, 148, 150–152, 167, 178, 180–182, 191, 199, 242, 261, 262, 268, 274**
- Otal Investments Ltd. v. M.V. Clary, 342, 351**
- Ozzello v. Peterson Builders, Inc., 45
- P.C. Pfeiffer Co. v. Ford, 208, 227
- Pacific Cedar (Krauss Brothers Lumber Co. v. Dimon Steamship Corp.), The, 419
- Pacific Employers Insurance Co. v. M/V Mini Lass, 295
- Pacific Employers Insurance Co. v. The M/V Gloria, 288
- Pacific Mutual Life Insurance Co. v. Haslip, 260
- Pacific Operators Offshore, LLP v. Valladolid, 229, 232, 233**
- Pacific Steamship Co. v. Peterson, 263
- Paduano v. Yamashita Kisen, 106
- Pain v. United Technologies Corp., 528
- Palmer, United States v., 483

- Palsgraf v. Long Island Railroad Co., 33, 174
- Panama Railroad Co. v. Johnson**, 152, 167
- Papai, Harbor Tug & Barge Co. v., 200, 201
- Parker v. Motor Boat Sales, Inc., 193
- Parker Drilling Management Services, Ltd. v. Newton, 223
- Patton-Tully Transportation Co., In re, 107
- Pavone v. Mississippi Riverboat Amusement Corp., 24
- Payne v. SS Tropic Breeze, 425
- Peace v. Fidalgo Island Packing Co., 82
- Pelican Marine Carriers, Inc. v. City of Tampa, 335
- Pendragon Castle, The, 388
- Peninsular & Oriental Steam Navigation Co. v. Overseas Oil Carriers, Inc.**, 50, 386, 404, 405
- Pennsylvania, The**, 331, 334, 337, 339, 344, 345, 351, 355
- Penrod Drilling Corp. v. Williams, 115
- Penton v. Pomano Construction Co., Inc., 45
- People's Ferry Co. v. Beers, 8, 54, 55
- Pepperell Assocs. v. United States, EPA, 500
- Perforaciones Maritimas Mexicanas S.A. v. Seacor Holdings, Inc., 554
- Perforaciones Maritimas Mexicanas, S.A. v. Grup TMM, S.A., 553
- Perini North River Associates, Director, OWCP v., 209, 210, 225
- Perkins v. American Electric Power Fuel Supply, 186
- Perkins v. Benguet Consolidated Mining Co., 95
- Perry v. Haines (The Robert W. Parsons), 27, 54, 422
- Peterson v. S.S. Wahcondah, 436
- Petrobras America, Inc. v. Vicinay Cadenas, S.A., 41
- Petterson Lighterage & Towing Corp. v. New York Central Railroad Co., 107
- Peyroux v. Howard (The Planter), 54
- Peytavin v. Government Employees Insurance Co., 35, 48
- Pfeifer, Jones & Laughlin Steel Corp. v.**, 201, 216, 218, 415
- Philadelphia, W., & B.R. Co. v. Quigley, 260, 266
- Philippine Sugar Centrals Agency v. Kokusai Kisen Kabushiki Kaisha (The Naples Maru), 306
- Phillips v. Sea Tow, 386
- Piedmont & Georges' Creek Coal Co. v. Seaboard Fisheries Co., 424
- Piper Aircraft Co. v. Reyno, 546, 548, 550, 552
- Pippen v. Shell Oil Co., 225
- Place v. Norwich & New York Transportation Co., 448
- Plamals v. The Pinar Del Rio, 167, 421
- Planter (Peyroux v. Howard), The, 54
- Plovodba, United States Fidelity & Guaranty Co. v., 138, 216
- Plymouth, The, 31, 39, 40, 49
- Poignant v. United States, 184
- Polar Shipping v. Oriental Shipping Corp., 99
- Polly v. Estate of Carlson, 43
- Pope & Talbot, Inc. v. Hawn**, 122, 124, 126, 132, 143, 248, 338
- Port Welcome Cruises, Inc. v. S.S. Bay Belle, 59
- Potomac Transport, Inc. v. Ogden Marine, Inc., 448
- Poulis-Minott v. Smith, 334
- Poznan, New York Dock Co. v. The, 415, 421, 431, 432
- Prado, United States v., 487
- Provost v. Huber, 387, 397
- Puddu v. Royal Netherlands Steamship Co., 189
- Puerto Rico Ports Authority v. M/V Manhattan Prince, 334, 522
- Purnell v. Norned Shipping, 115
- Quaker City, The, 159
- Quaker Oats Co. v. M/V Torvanger**, 307
- Queen Insurance Co. v. Globe Insurance Co., 460, 464
- Queen v. The Judge of the City of London Court, 39
- Quigley, Philadelphia, W., & B.R. Co. v., 260, 266
- Quirin, Ex Parte, 491
- R.M.S. Titanic, Inc. v. Haver, 402
- R.M.S. Titanic, Inc. v. The Wrecked and Abandoned Vessel, 402

- Racal Survey U.S.A. Inc. v. M/V Count Fleet, 426
- RadLAX Gateway Hotel, LLC v. Amalgamated Bank, 482
- Ralli v. Troop, 373**
- Ranborg, Indussa Corp. v. S.S., 531–33, 535, 536
- Rationis Enterprises Inc. v. Hyundai Mipo Dockyard Co., 92, 553
- Rationis Enterprises of Panama, In re, 90, 528**
- Ravenscroft v. United States, 378
- Rayonier Inc. v. United States, 515
- Rea v. The Eclipse, 59, 88
- Reed v. Canfield, 261
- Reed v. The Yaka, 217, 325, 415
- Reed v. ULS Corp., 216
- Reinholtz v. Retriever Marine Towing & Salvage, 403
- Reliable Transfer Co., United States v., 335, 339, 341, 342, 350**
- Retla Steamship Co., Tokio Marine & Fire Insurance Co. v., 294
- Reyes v. Vantage Steamship Co., 186, 334
- Reyno, Piper Aircraft Co. v., 546, 548, 550, 552
- Rhoditis, Hellenic Lines, Ltd. v., 541, 550, 553
- Richardson, Foremost Insurance Co. v., 32–35, 38, 45, 47
- Richardson v. Harmon, 50
- RJF International Corp., In re, 164, 447
- Robert C. Herd & Co. v. Krawill Machinery Corp., 319–21, 323
- Robert W. Parsons (Perry v. Haines), The, 27, 54, 422
- Robertson v. Baldwin, 146
- Robins Dry Dock & Repair Co. v. Flint, 111–15, 144, 146, 506, 507
- Robinson v. Pocahontas, Inc., 263
- Robison, Offshore Co. v., 191, 195–97
- Robson v. The Huntress, 395
- Rock Island Bridge, The, 67, 411
- Roco Carriers, Ltd. v. M/V Dusseldorf Express, 309
- Rodrigue v. Aetna Casualty & Surety Co., 219, 223, 225–27**
- Rogers v. Missouri Pacific Railroad Co., 172–178
- Rolph, The, 146, 270
- Romero v. International Terminal Operating Co., 36, 79–82, 97, 102, 106, 110, 124, 128, 247, 527, 550, 553**
- Romero-Galue, United States v., 486
- Rounds v. Cloverport Foundry & Machine Co., 68, 73**
- Roy Crook & Sons v. Allen, 171
- Royal Insurance Co. v. Southwest Marine, 361
- Ruhrgas AG v. Marathon Oil Co., 547, 548
- Ryan Stevedoring Co. v. Pan-Atlantic Steamship Corp., 204
- Ryan v. Hercules Offshore, Inc., 106
- Ryan Walsh Stevedoring Co. v. James Martin Service, Inc., 359
- S.L. Watson, The, 418
- S.S. Berwindglen, The, 159
- Saac, United States v., 493
- Sabocuhan v. Geco-Prakla, 537
- Sacramento Navigation Co. v. Salz, 353
- Saigon Maru (Osaka Shosen Kaisha v. Pacific Export Lumber Co.), The, 417, 420, 421**
- Sanchez v. Loffland Brothers Co., 20
- Sanders v. Placid Oil Co., 20
- Santor v. A & M Karagheusian, Inc., 143
- Saratoga Fishing Co. v. J.M. Martinac & Co., 145
- Scarborough v. Clemco Industries, 41, 245
- Scarff v. Metcalf, 150
- SCF Waxler Marine, L.L.C. v. Aris T M/V, 107
- Schexnider v. McDermott International, Inc., 553
- Schnell v. The Vallescura, 298–300
- Schooner Catharine v. Dickinson, The, 335, 336, 338
- Scindia Steam Navigation Co. v. De Los Santos, 213, 214, 216, 218
- Scotland, The, 302
- Sea Hunt, Inc. v. Unidentified Shipwrecked Vessel, 398**
- Sea Services of The Keys, Inc. v. The Abandoned 20-Foot Midnight Express Vessel, 402
- Seaboard Tug & Barge, Inc. v. Rederi AB/DISA, 334

- Sea-Land Service, Inc. v. General Electric Co., 145
- Sea-Land Services, Inc. v. Gaudet, 240–43, 245
- Seas Shipping Co. v. Sieracki, 142, 181, 183, 185, 187, 189, 191, 204, 269, 364
- Sector Navigation Co. v. M/ V Captain P, 554
- Seely v. White Motor Co., 142–44
- Seguranca, The, 59
- Sellers v. Dixilyn Corp., 159
- Seminole Tribe of Florida v. Florida, 520
- Sentry Select Insurance Co. v. Royal Insurance Co., 63
- Servicios-Expoarma, CA v. Industrial Maritime Carriers, Inc., 288
- Shaffer v. Heitner, 89, 95, 98–101
- Shaver Transportation Co. v. Travelers Indemnity Co.**, 472, 474–76
- Sheridan v. Furbur, 146
- Shibin, United States v.**, 477
- Shipping Corp. of India Ltd. v. Jaldhi Overseas Pte. Ltd., 100
- Shute, Carnival Cruise Lines, Inc. v., 530, 531, 533, 534, 536, 537
- Sieracki, Seas Shipping Co. v., 142, 181, 183, 185, 187, 189, 191, 204, 269, 364
- Signal Oil & Gas Co. v. Barge W-701, 448
- Silkwood v. Kerr-McGee Corp., 253
- Silmon v. Can Do II, Inc., 160
- Silver Star Enterprises, Inc. v. Saramacca MV**, 423, 425
- Sinochem International Co. Ltd. v. Malaysia International Shipping Corp.**, 545, 548
- Sirius, The, 59
- Sisson v. Ruby, 32–38, 43–45, 47–50, 443
- Skowronek v. American Steamship Co., 164
- Sky Reefer, Vimar Seguros y Reaseguros, S.A. v. M/V**, 289, 531, 536, 537, 540–44
- Slatton v. Martin K. Eby Construction Co., 107
- Smith v. Atlas Off-Shore Boat Service, Inc., 40
- Smith, United States v., 489
- Smythgreyhound v. M/V “Eurygenes”, 313
- Sohyde Drilling & Marine Co. v. Coastal States Gas Producing Co., 48
- Sompo Japan Insurance Co. of America v. Norfolk Southern Railway, 324
- Sony Magnetics Products, Inc. v. Merivienti O/Y, 313
- Sorrell, Norfolk Southern Railway Co. v., 171, 175
- Sosa v. Alvarez-Machain, 485
- South Carolina Ports Authority, Federal Maritime Commission v., 518, 521
- Southern Pacific Co. v. Jensen**, 112, 113, 115, 116, 118, 124–26, 128, 186, 203, 204, 211, 422
- Southwest Marine, Inc. v. Gizoni, 194
- Southwestern Sugar & Molasses Co. v. River Terminals Corp., 361
- Sphere Drake Insurance PLC v. J. Shree Corp., 87
- Spinks v. Chevron Oil Co., 167
- St. Hilaire Moye v. Henderson, 48
- St. Paul Marine Transportation Corp. v. Cerro Sales Corp., 388, 396
- Standard Oil Co. v. United States**, 457
- Stanton v. Bayliner Marine Corp., 145
- Star of Hope, The, 368, 378
- State Establishment for Agricultural Product Trading v. M/V Wesermunde, 532
- State Farm Mutual Automobile Insurance Co. v. Campbell, 255–57
- State of Louisiana ex rel. Guste v. M/V Testbank, 146, 335
- Steel Co. v. Citizens for Better Environment, 546, 547
- Steelmet, Inc. v. Caribe Towing Corp., 468
- Stern v. Marshall, 439
- Stevens v. The White City, 353, 357
- Stewart v. Dutra Construction Co.**, 20, 21, 25–28, 48, 49, 200, 218, 443
- Strong v. B.P. Exploration & Production, Inc., 223, 224
- Submersible Systems, Inc. v. Perforadora Central, S.A. De C.V.**, 93
- Sun Oil Co. v. Dalzell Towing Co., 364
- Sun Ship, Inc. v. Pennsylvania, 211
- Sunglory Maritime Ltd. v. PHI, Inc., 388
- Sunkist Growers v. Adelaide Shipping Lines, Ltd., 303
- Swanson v. Mara Brothers, Inc., 193, 199
- Swift v. Tyson, 119–21, 234, 462

- Swiss American Bank, Ltd., United States v., 98
- T. Smith & Son v. Taylor, 39
- T.J. Hooper, The, 353
- Ta Chi Navigation (Panama) Corp. S.A. (2d Cir. 1982), In re, 303
- Ta Chi Navigation (Panama) Corp. S.A. (S.D.N.Y. 1984), In re, 388, 396
- Tabingo v. American Triumph LLC, 267
- Taghadomi v. United States**, 41, 45, 512
- Tagliere v. Harrah's Illinois Corp.**, 47, 50
- Tallentire, Offshore Logistics, Inc. v., 46, 112, 241, 248
- Tandon v. Captain's Cove Marina of Bridgeport, Inc., 45
- Taylor v. Kennedy Engine, Inc., 46
- Taylor v. Twenty-five Thousand Dollars, 395
- Tecomar S.A., In re, 300
- Tennessee v. Lane, 520
- Testbank, State of Louisiana ex rel. Guste v. M/V, 146, 335
- Tetra Applied Technologies, In re, 453
- Thacker v. Tennessee Valley Authority, 522
- Thames & Mersey Marine Insurance Co. v. Hamilton, Fraser & Co., 474
- Thames, The, 58
- Thomas Barlum (Detroit Trust Co. v. Barlum Steamship Co.), The, 108, 434
- Thomas Jefferson, The**, 8, 9, 13, 53, 211
- Thompson v. Chesapeake Yacht Club, 46
- Thorsteinsson v. M/V Drangur**, xxxiii, 69, 72
- Thyssen Inc. v. S/S Eurounity**, 304
- Tillery v. Hull & Co, 460
- Todd Shipyards Corp. v. F/V Maigus Luck, 71
- Todd Shipyards Corp. v. The City of Athens, 432
- Tokio Marine & Fire Insurance Co. v. Retla Steamship Co., 294
- Tomlinson v. Hewett, 146
- Touchcom, Inc. v. Bereskin & Parr, 98
- Townsend, Atlantic Sounding Co. v.**, 148, 165, 189, 259, 267–75
- Trans-Asiatic Oil Ltd. v. Apex Oil Co., 99
- Transatlantic Marine Claims Agency, Inc. v. M/V “OOCL Inspiration”, 295
- Travelers Property Casualty Co. of America v. Ocean Reef Charters, LLC, 471
- Trenton, The, 71, 72
- Trico Marine Operators, Inc. v. Dow Chemical Co., 396
- Trident Crusader, United States v., 434
- Troop, The, 146, 261
- Tucker v. Alexandroff, 54
- Tundidor v. Miami-Dade County, 20
- Tungus v. Skovgaard, The, 125, 234, 240, 247, 248
- TWA v. Franklin Mint Corp., 316
- Twenty Grand Offshore, Inc. v. West India Carriers, Inc., 360
- Union Oil Co. v. Oppen, 111
- United Barge Co. v. Notre Dame Fleeting & Towing Serv., Inc., 358
- United Continental Tuna Corp., United States v., 512
- United Nations Children's Fund v. S/S Nordstern, 416
- United States Fidelity & Guaranty Co. v. Plovdba, 138, 216
- United States v. Ali, 482, 483, 485, 486
- United States v. Appalachian Electric Power Co., 17
- United States v. Arjona, 490, 491
- United States v. Atlantic Mutual Insurance Co. (The Esso Belgium)**, 339
- United States v. Balbuena-Peguero, 493
- United States v. Baston, 493
- United States v. Bellaizac-Hurtado**, 488, 493
- United States v. B.P. Exploration & Production, Inc. (In re Deepwater Horizon)**, 498, 501
- United States v. Caicedo, 493
- United States v. Cardales-Luna, 493
- United States v. Carroll Towing Co., 135, 138
- United States v. Carvajal, 493
- United States v. Chandon**, 439, 442
- United States v. Davis, 493
- United States v. Dire, 480, 481, 485
- United States v. Ex-USS Cabot/Dedalo, 387
- United States v. Flores, 493
- United States v. Furlong, 489
- United States v. Georgia, 520

- United States v. Gonzales, 321
 United States v. Hasan, 481, 486
 United States v. LaBouf Brothers Towing Co., 439
 United States v. Locke (Intertanko), 116
 United States v. Louisiana, 218
 United States v. Maine, 218
 United States v. Martinez-Hidalgo, 493
 United States v. Muniz, 515
United States v. Nielson, 364
 United States v. Palmer, 483
 United States v. Prado, 487
United States v. Reliable Transfer Co., 335, 339, 341, 342, 350
 United States v. Romero-Galue, 486
 United States v. Saac, 493
United States v. Shibin, 477
 United States v. Smith, 489
 United States v. Swiss American Bank, Ltd., 98
 United States v. The Amistad, 408
United States v. The Chandon, 439, 442
 United States v. Trident Crusader, 434
 United States v. United Continental Tuna Corp., 512
 United States v. Varig Airlines, 516
 United States v. West of England Ship Owner's Mutual Protection & Indemnity, 500
Usner v. Luckenbach Overseas Corp., 186, 189
 Uzdavines v. Weeks Marine, Inc., 25
 Valero Marketing & Supply Co. v. M/V Almi Sun, 426
Valladolid, Pacific Operators Offshore, LLP v., 229, 232, 233
 Vallescura, Schnell v. The, 298–300
 Vana Trading Co. v. S.S. Mette Skou, 300
 Varig Airlines, United States v., 516
 Vaughan v. Atkinson, 165, 263
 Vegas v. Compania Anonima Venezolana, 313
 Vella v. Ford Motor Co., 164
 Vierling v. Celebrity Cruises, 521
Vimar Seguros y Reaseguros, S.A. v. M/V Sky Reefer, 289, 531, 536, 537, 540–44
 Vincent v. Harvey Well Service, 159
 Vinnlustodin HF v. Sea Tank Shipping AS (“The Aqasia”), 315
 Vodusek v. Bayliner Marine Corp., 87
 Von Dardel v. U.S.S.R., 524
 Vreeland, Michigan Central Railroad Co. v., 243
 W.C. Dawson & Co., Washington v., 108, 203
 Wahlstrom v. Kawasaki Heavy Industries, 115
 Waldron v. Moore-McCormack Lines, Inc., 186
 Wallis v. Princess Cruises, Inc., 107
 Walton v. The Neptune, 166
 Waring v. Clarke, 9, 10
Warren v. United States, 156, 159, 164, 168
 Warrior Energy Services Corp. v. ATP Titan M/V, 29
 Warshauer v. Lloyd Saboudo S.A., 407
 Washington v. W.C. Dawson & Co., 108, 203
 Waterman Steamship Corp. v. Gay Cottons, 448
 Weaver v. Hollywood Casino-Aurora, Inc., 49
 Welch v. Texas Department of Highways, 519
 Wesermunde, State Establishment for Agricultural Product Trading v. M/V, 532
 West of England Ship Owner's Mutual Protection & Indemnity, United States v., 500
 West Point, The, 522
 Western Fuel Co. v. Garcia, 126
 Western Maid, The, 416
 Westinghouse Credit Corp. v. O/S Dorothy Claire, 434
 Westinghouse Electric Corp. v. M/V “Leslie Lykes”, 304
 Westway Coffee Corp. v. M.V. Netuno, 292
 Whaling in the Antarctic (Australia v. Japan), 485
 White v. Sabatino, 50
 Whitman v. Miles, 164
 Wiggins v. United States, 514
 Wilander, McDermott International, Inc. v., 22, 191–96, 199
Wilburn Boat Co. v. Fireman's Fund Insurance Co., 108, 125, 127, 128, 461, 464, 465, 467, 468, 471, 472

Willcox, Peck & Hughes v. American Smelting & Refining Co., 377	Wu v. United States, 486
William Leishear, The , 430, 432	Yaka, Reed v. The, 217, 325, 415
Williams v. Long Island Railroad Co., 171	Yamaha Motor Corp., U.S.A. v. Calhoun , 47, 127, 128, 240, 246 , 248
Williams, Penrod Drilling Corp. v., 115	Yankee Blade, The, 418
Wills v. Amerada Hess Corp., 334	Yankee, The, 418
Wordsworth, The, 378	Yates v. United States, 515
Workman v. New York City, 521, 522	Young v. Players Lake Charles, L.L.C., 50
World-Wide Volkswagen Corp. v. Woodson, 89	Y-Tex Corp. v. Schenker, Inc., 536

Preface to the Fourth Edition

The present publication marks the first new edition of this work since the death of our friend and colleague, David W. Robertson, in the final week of 2018. The casebook originated with a set of photocopied materials that David assembled to teach his Admiralty classes in the last millennium. Twenty years ago, he invited the two of us to join him in producing a casebook for formal publication, but it was still very much his casebook. For each edition, he carefully reviewed and edited everything that we contributed, and we inevitably deferred to his wishes.

Our deference was not an abdication of responsibility or blind respect for seniority. On the contrary, we both recognized that David was a consummate teacher who fully understood exactly what he was doing. He knew what would work in the classroom, and he worked hard to ensure that the finished product would be user-friendly for both students and faculty. Over the last two decades, the casebook has stood up well. Not only have generations of students used it successfully, but we as co-authors learned so much working with David. He was such a gentleman, and we miss him.

It would be tempting for us to stop with the third edition, leaving the last version of the casebook that David saw as a monument to his accomplishments—but that is not what David would have done or what he would have wanted. The courts have remained active in the field, and maritime law has continued to evolve. Last year, even the Supreme Court was unusually active in maritime law. Keeping the casebook current, therefore, has required the addition of new principal cases and new substantive notes following the existing principal cases; the updating of many more existing notes; and the deletion of some material from the last edition to keep the overall size manageable. (David always felt strongly that the casebook should not be “too fat.” He would be pleased that this new edition is less than 1.5% longer than the third edition, and is still shorter than the first edition.)

Although we have updated the text, we have not changed the fundamental approach or the structure of the previous edition. We have therefore retained the Preface to the Third Edition—exactly as David wrote it five years ago—to explain both the philosophy that has continued to guide our work and the editing conventions that we have continued to follow.

Michael F. Sturley
Austin, Texas

Steven F. Friedell
Camden, New Jersey

May 2020

Preface to the Third Edition

Studying the admiralty field—the field of marine casualties and transactions—necessitates inquiry into issues ranging across much of the basic law school curriculum, including civil procedure, comparative law, conflicts of laws, constitutional law, contracts, creditors’ rights, environmental law, federal courts, insurance, international law, legislation, products liability, property, remedies, torts, and workers’ compensation.

We do not claim that our book provides the opportunity to teach all of these subjects. But we have tried to select cases with an eye to maximizing the admiralty course’s potential for integrating the knowledge the students will have gained from their other courses. In Section I-F’s *Thorsteinsson* opinion, for example, U.S. law’s commitment to the requirement of physical arrest of the vessel in *in rem* proceedings as an essential element of due process comes into sharp conflict with our country’s strong regard for the necessity and wisdom of recognizing the judgments of other countries’ courts.

In editing the cases and supplementing them with textual material, we have used the following signals: Omitted text is signaled by three asterisks. Inserted text is enclosed in brackets. Omitted citations are signaled by empty brackets. Our own editorial footnotes to the opinions are labeled as such. (Otherwise, footnote numbers in opinions are the courts’ original numbers.) Cross-references within the book refer to the chapter number, the section number, and the sub-section (if any). Thus “Section II-A” means chapter II, section A, and “Section I-G-10” means chapter I, section G, subsection 10.

Because this is a teaching book and not a case reporter or a scholarly reference work, we have felt free to make some changes to the opinions without providing any signal. These include minor changes to the courts’ punctuation and typography, correction of obvious spelling errors, and correction of citations and citation form. Unsignaled omissions include the courts’ citations to the record, citations to the opinions below, and the courts’ footnotes. Occasionally, we found that our editing of an opinion required moving one of the court’s footnotes. When we did that, we left the footnote number intact but did not signal the change of position. When it seems historically evocative, we have retained the British spellings in use in the early U.S. materials.

This Third Edition contains a large amount of new material, including a new section on punitive damages and new chapters on piracy and oil pollution. We have tried to condense everything as much as we can, realizing the desirability of keeping the book from getting too fat.

