

# Moon's Ship Finally Came In!

Judge Paul C. Moon  
Ottawa County Common Pleas Court

As the sole general jurisdiction judge of the Ottawa County Court of Common Pleas, I am quite comfortable in a jurisdiction with more boats than people and more water than land. After all, I was a licensed Coast Guard pilot not only for the Great Lakes but also for the coastal waters of the United States, and I studied admiralty/maritime law at Georgetown. But in my 15 years on the common pleas bench, that big admiralty case has eluded me.

Until now. I finally had the pleasure of hearing a case that was all about boats and drew on a number of facets of maritime law.

Here's what happened. Owner purchased a 2 million dollar yacht built in England, had it shipped to Port Elizabeth, NJ, for outfitting, then hired two Ottawa County pilots to deliver the vessel safely to Catawba Island in Ottawa County. The plan was to proceed up the Hudson River, across the Erie (New York State Barge) Canal, into Lake Erie and on to Catawba Island.

Then the problems began. In mid-state New York one of the locks was stuck open and would not be repaired for a week. But the owner on Catawba wanted his boat *NOW!!*

So the pilots changed plans. They crossed the Hudson to Troy, NY and took the vessel up the Champlain Canal, then the length of Lake Champlain into the Richleau Canal into Quebec and into the St. Lawrence Seaway, down the St. Lawrence River, across Lake Ontario, through the Welland Canal, and across Lake Erie heading for Catawba Island—adding 1400 miles to the trip.

About 10 miles off Kelleys Island the vessel began to disintegrate in the water and had to be salvaged. It seems that somewhere along the way, prob-

ably in the canals—portions of which have existed since the 1840s and where locks still have to be worked by hand—one of the props was dinged. Left unattended—allegedly—by the pilots, the dinged prop rotated unevenly and caused the vessel to vibrate “to death.” Or at least to damages in excess of \$800,000!

The owner's insurance company paid the owner and sued the pilots, in the Ottawa County Court of Common Pleas. As the judge I was treated to a case with a fascinating story.

Consider this. At one point the boat was approaching a bridge just before entering Lake Champlain, when the pilots determined that even after dismantling every piece they possibly could of the superstructure of the boat, they were still about 3 inches too tall to clear under the bridge. They radioed the lockmaster ahead. He simply said “not to worry”—and proceeded to open the locks and effectively *sucked down the Hudson River 3.5 inches!* The boat passed under the bridge without apparent further problem. (But, was the canal then too shallow for the draught of the boat? Who knows!!)

Or this. As the boat was disintegrating in the water and another vessel was ready to salvage, the pilots refused salvage and negotiated! Under maritime salvage law, the salvager acquires rights in the salvaged craft, so apparently it is common practice for the salvages to bargain with the salvager.

The jury trial lasted five days. We heard testimony from marine surveyors and standard of care testimony was delivered by several east coast pilots. We considered elements of global economy, river law, canal law, lake law, maritime law, international law, and the law of salvage. I learned more about the demanding liability pre-

sumptions in maritime law. And I had to draw up a complex jury charge, perhaps the most complex in my years on the court.

You'll never guess the outcome—email me at [paulcmoon@beethoven.com](mailto:paulcmoon@beethoven.com) for the word.

I enjoyed it immensely. A great story, a wide range of unusual legal components—and astute and prepared attorneys.

My ship came in, my boat was floated—I had so much fun that during the third day of trial I called my daughters who were home from university and told them to get right down here, “it's the most exciting case I've had in 15 years!” They spent about 45 minutes in the courtroom and left. Upon arriving home that night, I was told about the difference between real excitement and the legal geek variety—or something like that.



**Do you have a fascinating case story to share?**

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