



SEA TRIALS

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ADMIRALTY LAW: Out For The Count?"

Would a federal court sitting in admiralty have any interest in officiating a fight? Apparently so, if the fight, or in this case the beating, takes place aboard a vessel in navigable waters.

Admiralty jurisdiction is limited. Federal courts prefer that their docket not be clogged with unnecessary cases that do not warrant federal jurisdiction. In *Gruver v. Lesman Fisheries, Inc.*, the question of admiralty jurisdiction arose in the context of a fight, or perhaps a mugging, aboard a commercial fishing vessel.

The Unpaid Wages

Gruver worked as a deckhand for Lesman Fisheries aboard the shrimp and crab boat F/V SUNSET CHARGE. He quit to work on a different fishing vessel, the F/V ADVENTUROUS. At the time Gruver left, he was owed some seaman's wages but Lesman had gone tight as a clam. As a result, Gruver angrily confronted Lesman on the dock, demanding his unpaid wages. Gruver also left a threatening message on Lesman's voice mail. In the message, Gruver demanded the money and warned that he would hurt Lesman and damage the SUNSET CHARGE if he was not paid. Apparently, the check really was in the mail and was received by Gruver the next day. Not thrilled with the amount, however, Gruver again called Lesman, threatening him and his property if the full amount of wages owed to him was not paid.

The Fight Begins

Then, it became interesting. Gruver was lying in his bunk aboard the F/V ADVENTUROUS, waiting for the boat to leave for a pre-dawn trip to the fishing grounds. Lesman boarded the vessel on the pretense that he was there to give Gruver a check for the remainder of his wages. To help carry the fat check, Lesman brought his 380-pound nephew. Naturally, the stories diverge at this point, with Lesman claiming that Gruver attacked him and his heavyweight sidekick, and Gruver stating that he was asleep in his bunk when the two intruders beat him severely, attempting to break his legs and vowing to kill him for leaving the threatening messages. Gruver was hospitalized for several days with broken ribs and a punctured lung.

In the rematch, Gruver filed suit for damages against Lesman in federal district court, invoking admiralty and maritime jurisdiction. The complaint alleged negligence, unpaid wages and assault. Lesman counter-punched with a motion to dismiss the entire case for lack of subject matter

(admiralty) jurisdiction. The federal district (trial level) court agreed and dismissed the complaint, holding that Gruver failed to establish grounds for federal admiralty jurisdiction. A scrappy Gruver was not to be deterred: he appealed the decision to the highest federal court in the particular region, the United States Court of Appeals for the Ninth Circuit. The appeals court did not bob and weave, but accepted the challenge as a basis to delve deeply into the historic principles of admiralty jurisdiction.

Admiralty Jurisdiction

It used to be that so long as an incident occurred on "navigable waters," there was sufficient nexus for admiralty jurisdiction. The test was refined over time to require not only a salty location but also a solid "connection" to things traditionally maritime. The "location" test was easily satisfied in this case because the incident did occur aboard a vessel on navigable waters.

The "connection" test received a bit more analysis. The Court of Appeals explained that the connection test has two prongs, each of which must be met before there is admiralty jurisdiction. First, a court must assess the general features of the type of incident involved to determine whether the incident has a "potentially disruptive impact" on maritime commerce. The second prong of the test requires the court to examine "whether the general character of the activity giving rise to the incident shows a substantial relationship to traditional maritime activity."

In this case, neither the "location" test nor the first prong of the "connection" test (potentially disruptive impact on maritime commerce) was contested. The parties agreed that the location test was satisfied because the alleged assault took place aboard the F/V ADVENTUROUS while the vessel was floating on navigable waters. And, the parties agreed that with respect to the first prong of the connection test, the type of incident could have had the potential to disrupt maritime activity. For example, a seaman's injury can have a "disruptive impact" on maritime commerce by (i) stalling or delaying the primary activity of the vessel, i.e. fishing; or (ii) rendering a crew member unable to perform his fishing duties. Interestingly, the disruptive impact does not have to actually occur, the fact that it could have had a disruptive impact, even hypothetically, is enough to satisfy the admiralty courts that this prong of the test has been met.

So, the only dispute here was over the sec-

ond prong of the "connection" test for admiralty jurisdiction, to wit, whether the "general character of the activity" that gave rise to the incident has a "substantial relationship to traditional maritime activity." This was not an easy question due to the unusual facts. Was the "activity" the assault (not maritime) or the seaman's wage dispute (maritime)? The lower court defined the activity as the vessel owner's failure to pay wages but concluded that this did not have a substantial enough relationship to "traditional maritime activity" to trigger the second prong of the connection test.

The United States Supreme Court has held that to warrant federal maritime jurisdiction, a "tortfeasor's" actions must be so closely related to an activity traditionally subject to admiralty law that the reasons for applying special admiralty rules are present. Therefore, the Court of Appeals in *Gruver* had to evaluate what constituted the "activity giving rise to the incident" and whether it was traditionally "admiralty." The Court of Appeals disagreed with the trial court and found that admiralty jurisdiction exists here because the failure to pay seaman's wages had a sufficient connection to traditional maritime activity.

The court did not find that a fight on a vessel will always trigger admiralty jurisdiction. Since this fight was over a claim of unpaid seaman's wages, however, the link to maritime commerce was established. Paying seamen for their work at sea has a substantial relationship to traditional maritime activities.

Accordingly, because both the "location" and "connection" tests were satisfied, there was admiralty jurisdiction.

Conclusion

It has been said that an eager admiralty judge (or judges) can create admiralty jurisdiction out of almost any set of salty facts. Few people would expect a fight to be worthy of admiralty jurisdiction. This case proves, however, that a court will be guided by its rules, even if the decision appears surprising.

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