

710 3 2 1 The Limitation of Vessel Owner's Liability Act, 46 United States Code Appendix § 183(a) limits the liability of the owner of any vessel, whether American or foreign, to the value of the interest of such owner in such vessel, and her freight then pending, for loss or damage occurring without the privity or knowledge of the owner. Enter the M/V SKYRIDER EXPRESS.

On December 4, 1990, George Edward Myers and his fiancée Kathleen Carletta hired BEC to take them parasailing. Parasailing is a recreational boating activity in which the riders, secured to the boat by a tow line, are pulled aloft by a parachute. Myers and Carletta boarded BEC's motor vessel, the Skyrider Express, and proceeded offshore. As the Skyrider Express maneuvered through the water, the parachute canopy filled with wind, lifting Myers and Carletta into the air. At the conclusion of the ride, weather conditions interfered with the boat operator's efforts to retrieve the parasailors from the air. BEC's boat operator severed the tow line connecting the vessel to the riders, causing them to descend to the water. After Myers and Carletta splashed down, the parachute canopy again filled with a gust of wind and rose into the air. Carletta swam free. Somehow, the tow line had become entangled around one of Myers' ankles, causing the parachute to pull him, hanging upside down, toward the sky. Carletta remained in the water, as Myers, still dangling upside down from the parachute, was swept away on a violent wind. As the parachute passed over land, Myers slammed into several shoreside objects, and sustained serious injuries from which he died fourteen days later.

Anticipating liability for this event, BEC brought an action

under the Limitation of Vessel Owner's Liability Act, seeking exoneration from or limitation of its liability with respect to any claims arising out of the parasailing incident to \$40,090, the value of the SKYRIDER EXPRESS. BEC asserted that it was not at fault for the accident, and that the accident occurred without its privity or knowledge. Although the winds of litigation resulting from this accident have not yet calmed, the facts remain that BEC ran the operation for profit and BEC's equipment carried George Edward Myers to his death.

More next week on The Admiralty Docket. Until then, remember your rights and responsibilities may change as you approach the shore and may God Almighty grant you pleasant sailing. 710