

40618 3 2 1 When Ted Montford's yacht the P/Y COURTSHIP II disappeared from her berth in Golfito, Costa Rica, he filed a claim with his insurance agent. Next thing Ted knew, he had to hire Melvin Belli's law firm, Belli, Belli, Brown, Monziona, Fabbro, and Zakaria, to defend him from a suit by Certain Underwriters at Lloyd's. Under the applicable law the court found that in marine insurance each party is bound to communicate all the information which he possesses and which is material to the risk and the exact and whole truth in relation to all matters that he represents. Unfortunately, Ted had misrepresented the year in which the boat was built, the purchase price, and his previous loss of another vessel, the PAMELA ANN. Ruthless admiralty lawyers proved too much even for the likes of Melvin Belli, as the court entered judgment for Lloyd's holding that misrepresentations made by Ted Montford in obtaining his \$925,000 insurance policy voided all coverage from the outset for fraudulent application.

In the case of Wiradhardja v. Bermuda Star Line, Inc., a seaman who threw a ketchup bottle at the food manager, breaking the food manager's arm, was found to render the ship unseaworthy as a matter of law. Summary judgment for Plaintiff by the court sua sponte.

In the case of McClendon v. OMI Offshore Marine Service, the court discussed application of the Jones Act and general maritime law negligence theories to an injury by potato. Donald McClendon was watchman aboard the OMS GALVESTON in dry dock at Bolinger Shipyards, Larose, Louisiana. McClendon was an amateur alchemist and he had obtained one ounce of mercury from his friend, Kenneth

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Baker. While on duty aboard the vessel, McClendon laced one half an Irish potato with the mercury and, in an attempt to turn the mercury to gold, cooked the mercury laced potato at extreme temperatures in the galley oven. Sadly, McClendon was overcome and injured by the poisonous mercury potato fumes. More sadly, the mercury did not turn to gold. Saddest of all for McClendon, the court found that vessel owners were not liable for McClendon's injuries, because alchemy is not within the duties of a seaman.

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.

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