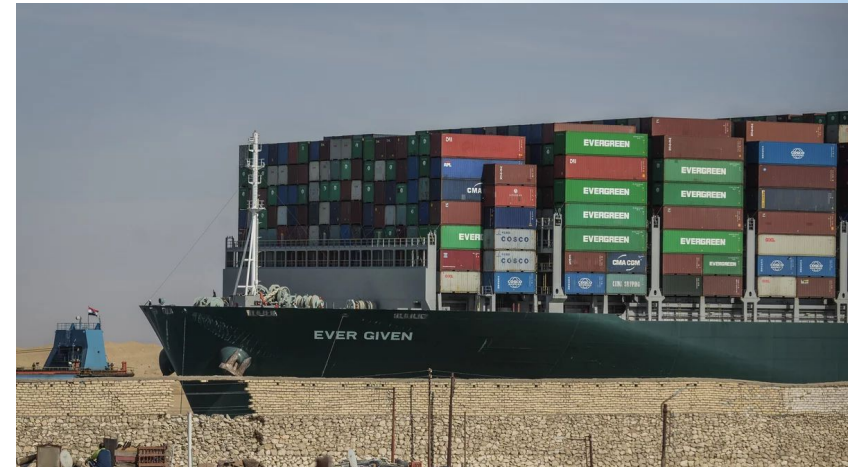


# Three's a Crowd: Handling Third Party Claims



**Federal Bar  
Association**



**The Florida Bar  
Association**

# Moderator



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***Seeing all the Angles!***

**Environmental Expertise      Claims Handling**  
**Claimant (or plaintiff)      Claim Defense**

# Panelists



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# Setting the Stage – What Could Possibly go Wrong?



**Let's find out!**

# Fire!

- **Community Air Monitoring**
- **Worker Monitoring**
- **Detailed Georeferenced Photo Documentation**



# Oil/Chemical Spill



- **Background Sampling of the Environment**
- **Identification of Receptors (oyster leases, water intakes, marinas, etc.)**
- **Interface with Regulators (state, NOAA, USFWS, etc.)**
- **Detailed Georeferenced Photo Documentation**

# Grounding/Collision

- What is Underneath the Vessel?
- Damage Survey by Appropriate Licensed Experts
- Detailed Georeferenced Photo Documentation



# Claims Response to Disasters



- **Hoping for the best (but planning for the worst)**
- **Practicing Responses**
- **Minimize uncertainty**





# Quick Action!

- **Need to Assess Things Quickly**
- **Identify different levels of Exposure**
- **Global/Gross Analysis**



# Communication and Relationships Matter



- **Establish rapport with key constituencies**
  - **Federal/Local Regulators**
  - **Federal/Local Agencies**
  - **Businesses**
  - **Key Claimant Groups**

# Injuries Happen - Crewmembers

- **Jones Act Seaman?**
- **Number of crew injured?**
- **Range/extent of injuries?**
- **Potential medical treatment**



# Injuries Happen - Longshoremen



- **Covered by LHWCA?**
- **Benefits and 905 (b) claim**
- **Range/extent of injuries?**
- **Potential medical treatment**



# Cargo and other Business Interests

- **Cargo – what is damaged, where is it going?**
- **Cruise interests cannot get to port**
- **Affected business resulting from cargo/cruise issues**
- **Other affected businesses**



# Review the Complaint

- Is the proper defendant named?
- Status
  - The Jones Act v. Longshore and Harbor Workers Compensation Act
- Removal/Answer/Motion to Dismiss



# Evaluation of the Claim/Case



- **Review the evidence provided by the Claims Agent/Manager**
- **What witnesses need to be spoken with?**
- **What is the value of this case?**



# Potential Criminal Liability?

- **Criminal culpability for direct pollution related acts – 33 U.S.C. § 1319**
- **Criminal fines and potential imprisonment**
- **The failure to report a discharge**





# Let's Discuss!

## GROUP DISCUSSION



# Thank You!

