



Mercer Law Review: 11th Circuit Admiralty Survey (2016, 2018)

Articles / Publications
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Mobile Partner John Kavanagh authors "Admiralty" section for the Summer 2018 issue of the *Mercer Law Review*.

The cases discussed herein represent decisions the United States Court of Appeals for the Eleventh Circuit issued in 2016 and 2017.¹ While not an all-inclusive list of maritime decisions from the court during that timeframe, the Author identified and provided summaries of key decisions which should be of interest to the maritime practitioner.²

1. ADMIRALTY JURISDICTION

Tundidor v. Miami-Dade County,³ addresses subject matter jurisdiction under 28 U.S.C. § 1333;⁴ specifically, the case addresses whether a canal is "navigable" for purposes of admiralty or maritime jurisdiction if it is blocked by artificial obstructions preventing it from being used to conduct interstate commerce.⁵ In a case of apparent first impression, the appellate court agreed with the trial court's decision to dismiss the case for lack of subject matter jurisdiction.⁶

The plaintiff, a passenger aboard a recreational vessel, suffered serious injuries while the vessel was operating on the Coral Park Canal in Miami, Florida. The canal is traversed by a number of low-lying bridges. After ducking to pass underneath such a structure, the plaintiff raised his head only to strike a water pipe, causing serious injury.⁷ Suit was filed in the United States District Court for the Southern District of Florida, invoking the admiralty jurisdiction of the court.⁸

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The test for admiralty tort jurisdiction is twofold: "(1) there must be a significant relationship between the alleged wrong and traditional maritime activity (the nexus requirement) and (2) the tort must have occurred on navigable waters (the location requirement)."⁹ In the instant case, the trial court found that the Coral Park Canal was not navigable, and thus, failed to satisfy the location requirement.¹⁰

The test for navigable waters was set forth in *The DANIEL BALL*.¹¹ The Supreme Court of the United States held that navigable waters must be "navigable in fact" and capable of being used in interstate commerce.¹²

To read the full review, please download "Admiralty" written by John P. Kavanagh, Jr.