



STARBOARD TEN, INC.
MARITIME FORENSIC SERVICES

CASE SUMMARY
OF
CAPTAIN JOHN C. TIMMEL

REVISED: 5/26/15

PLAINTIFF CASES (NUMBER OF PLAINTIFF CASES (23) - PERCENTAGE OF TOTAL CASES: 37%)

1. **1996 - GPS Research - California - Civil - Humes / Greenfield Associates - Civil**
Nature of Case: Intellectual property case regarding the evolution of electronic navigation including Loran C, GPS and DGPS in for a case in California. Researched development timeline, implementation history, and efficacy of electronic navigation relevant to terrestrial applications. **Did not testify.**
2. **2001 - Sun Cruz v. Paradise - Pasco County Circuit Court - Albritton / Holland & Knight - Civil**
Nature of Case: Prop wash and shiphandling case pertaining to the effect of propeller generated currents on river bottoms and natural channel edges when a vessel is maneuvering in shallow and confined water. Also testified regarding the challenges of shiphandling in confined waters and the effects of heavy weather relevant to the percentages of power required to navigate safely in narrow rivers. New Port Richey, Florida. **Deposed & testified.**
3. **2005 - Martinez v. Dann Ocean Towing - Case No.: 8: 04-CV-01645-SDM-TBM - U.S. District Court, Middle District of Florida - Tampa Division - Jones Act - Bellantone / Edelman, Krasin & Jaye - Federal**
Nature of Case: Jones Act slip-and-fall case in which a personal injury was inflicted to a deck hand as a result of slipping into mooring lines and deck gear on the fore deck of an ice-clad deck of a seagoing tugboat while the vessel was changing the tie-up configuration to a barge it was moving. New York Harbor, New York. **Deposed & testified.**
4. **2006 - Blanchard v. Evergreen - Case No. 2:05-CV-02989 - U.S. District Court for the District of South Carolina - Charleston Division - Applegate / Motley Rice - Federal**
Nature of Case: A grounding case involving a large, deep-draft container ship transiting the Cooper River. The grounding resulted in a significant oil spill. The spill was caused by the vessel straying from the confines of the channel in a tight bend and breaching the integrity of its bunker tanks when it grounded on top of dredge pipes lying on the bottom. Charleston, South Carolina. **Deposed.**

5. **2007 – Surface v. Carolina Classic Boats – Case No. 06016494(J4) - Circuit Court of the 17th Judicial District – Broward County – Civil - Gonzalez / Colson Hicks – Civil**
Nature of Case: Double loss-of-life vessel sinking case in which the captain and his crew succumbed to hypothermia when a newly built yacht they were delivering from its manufacturer in North Carolina to a broker in Florida sank in the frigid waters of the Neuse River. The sinking was a result of the propeller shaft seals not being properly secured while the vessel was being manufactured. Oriental, North Carolina. **Did not testify.**
6. **2007 – United States of America v. FFV MARSHALLS 201 – Case No. CV06-00030 – Schwab / USDOJ Guam – Federal**
Nature of Case: Vessel arrest-and-seizure case in which the U.S. Coast Guard arrested and the U.S. DOJ prosecuted the Chinese fishing vessel, MARSHALLS 201, for flagrant incursions within the Howland / Baker Islands USA Exclusive Economic Zone. The captain of the vessel said the trespassing incidents were caused by navigational errors induced by GPS inaccuracies. Guam. **Deposed.**
7. **2007 – Ryan v. Pippin – Circuit Court Sullivan County – Bristol, Tennessee – Hale / Hale, Lyle & Russell – Civil**
Nature of Case: Double loss-of-life capsizing case that occurred when an overloaded and improperly trimmed pleasure craft got underway in inclement weather to compete in a fishing tournament. Lake Moultrie, South Carolina. **Did not testify.**
8. **2008 – Vickers v. St. Johns River Water Management District / State of Florida – Case No. 05-2009-CA-063813 - Circuit Court of the 18th Judicial Circuit – Brevard County, Florida – Gager / Gager, P.A. & Gordon / High Stack Gordon – Civil**
Nature of Case: Navigational Rules of the Road violation case culminating in a collision between two airboats operating on canals in the marshlands near the Sweetwater River. Brevard County, Florida. **Did not testify.**
9. **2008 – Mamudu v. USA – Case No. 8:07-CV-1927-T27 - U.S. District Court, Middle District of Florida – Tampa Division – Jones Act - McLaughlin / Wagner Vaughan McLaughlin – Federal**
Nature of Case: Seaworthiness and improper supervision of crew case the outcome being that a seaman injured his back during a slip-and-fall incident and then further injured it later while pulling lines in preparation for mooring while working aboard a Military Sealift Command vessel. At sea, aboard USNS PATHFINDER. **Deposed.**

10. **2009 – Potter v. Teco Marine Services – Case No. 08-0294 - U.S. District Court, Eastern District of Louisiana – New Orleans Division- Jones Act – Jacobs/ Jacobs Sarrat – Federal**
Nature of Case: Improper training and supervision case in which a seaman injured his back during a fall from a ladder while performing maintenance duties as the tug he was aboard “faced up” to a barge in the Mississippi River. Electrocoal, Louisiana. **Deposed & Video Testimony.**
11. **2010 – ETHAN ALLEN Capsizing/ Lake George Tort Claims – Case No. 05-CV-1408 – U.S. District Court, Northern District of New York – James Hacker/ Hacker & Murphy – Civil**
Nature of Case: NTSB major wake case in which the excursion boat P/V ETHAN ALLEN was capsized by the wake of the P/V MOHICAN, resulting in the tragic death of twenty-one (21) elderly passengers. Lake George, New York. **Deposed.**
12. **2010 – Taylor v. Walt Disney World – Case No. 07-CA-12064 – Circuit Court of Ninth Judicial Circuit – Orange County, Florida – Butler/ Frank D. Butler, P.A. – Civil**
Nature of Case: Rules of the Road violation case which ended in a collision between a visitor’s rented boat and an employee’s boat on a lake in Walt Disney World. Orlando, Florida. **Did not testify.**
13. **2010 – Davison v. Sorenson et al – Pinellas County, Florida – Johnson/ Justin C. Johnson & Associates – Civil**
Nature of Case: Loss-of-life case caused by a pleasure craft alliding with an unlit jetty extending into Tampa Bay from the SE corner of Albert Whitted Airport. St. Petersburg, Florida. **Did not testify.**
14. **2011 – Krueger v. Reynolds – Case No. 38-2010-CA-001042 – Circuit Court of the Eighth Judicial Court – Levy County, Florida – Stripling/ Stripling & Stripling – Civil**
Nature of Case: Personal injury case in which a passenger/crew member in a highly modified commercial clamming boat was thrown from the vessel during an abrupt turn and struck by the propeller. Cedar, Key, Florida. **Did not testify.**
15. **2011 – Keenan v. Beyel Bros. Towing – Case No. 6:10-CV-01713-MSS-KRS – District Court Middle District of Florida – Orlando Division – Brais/ Brais & Brais – Civil**
Nature of Case: Personal injury Jones Act case involving a crew member who was injured during the handling of mooring lines in multiple incidents while making up to barges due to inadequate equipment, inadequate manning, and improper supervision. Miami, Florida. **Did not testify.**

16. **2012 – Nelson v. NBC, Inc. – Case No. 3:11-0961 – U.S. District Court for the Middle District of Tennessee – Nashville Division – Gideon/ Gideon Cooper & Essary – Civil**

Nature of Case: Personal injury case involving a young woman who was killed by a propeller strike from a boat she was a passenger on during a company outing. Nashville, Tennessee.

Did not testify.

17. **2012 - Greene v. Boyer & McCanna – Case No. 11-2929-CI-19 – In the Circuit Court of the Sixth Judicial Circuit in and for Pinellas County, Florida Civil Law Division – Woods/ Harmon Woods et al – Civil**

Nature of Case: Loss of life case where a young mother died while diving in the Florida Keys due to negligent entrustment of compressed air diving equipment. **Did not testify.**

18. **2012 – Murphree v. Dremen Contrarian – Case No. 11-CA-31952 – In the Circuit Court of the 17th Judicial Circuit, Broward County, Florida, General Jurisdiction Division - Cohen/ Cohen, P.A.**

Nature of Case: Personal injury case in which the captain of a large yacht in Ft. Lauderdale was disabled due to injuries sustained when crossing a gangway from his vessel to the shore. Involved the training, qualifications, licenses, and skill sets required of a captain. **Did not testify.**

19. **2012 – Parker v. Darby – Case No. 2013-CA-011623 - Pinellas County – Tracy Sharpe, PA - Civil**
Slip and fall case on a privately owned pleasure craft. **Deposed – Case ongoing.**

20. **2012 – Harris v. Cooper Marine – Case No. 1:12CV233-A-5 – United States District Court – District of the Northern District Of Mississippi – Rogen Chhabra Chhabra & Gibbs – Federal – Civil**

Capsizing case in which a pleasure craft was capsized by the wake of a tug and tow transiting the Tennessee Tombigbee Waterway in Mississippi. **Deposed.**

21. **2013 – Hill v. Dongwon – Case No. 11-CV-00034 – United States District Court - District Of Guam – Brogan/ Moore & Company – Federal - Civil**

Loss of life case resulting from the sinking of a purse seiner fishing vessel in the South Pacific. **Deposed – Case ongoing.**

22. **2013 - Rizzi v. Belize Paradise – Case No. 13-20182-Civ-Lenard/O'Sullivan - United States District Court Southern District Of Florida Miami Division**

Personal injury case in which a passenger of a commercial excursion vessel was injured by the vessel proceeding at too high a rate of speed for the conditions causing the vessel to bounce resulting in the tossing of the passengers in the air. **Deposed.**

23. **2014 – Maione v. Montauk Pilots, Inc. – Case No. KNL-CV-12-6015252-S – Superior Court
Judicial District of New London at New London – Civil**

A slip and fall case regarding the master's responsibility to instruct a passenger on safety measures and guidelines in rough conditions and to evaluate conditions as to whether or not it is safe to embark upon or remain upon a voyage. **Deposed.**

DEFENDANT CASES (NUMBER OF DEFENDANT CASES (39) - PERCENTAGE OF TOTAL CASES: 63%)

1. **1994 – Tampa Port Authority v. M/V DUCHESS – Case No. 94-1727-CIV-T-23C – US District Court, Middle District of Florida – Tampa Division – Mathews / Akerman Senterfitt – Federal**
Nature of Case: Shiphandling/piloting case involving an allision between the tanker S/S DUCHESS and a Tampa Port Authority owned pier in the Port of Tampa. Tampa, Florida.
Deposed.
2. **1995 – USCG v. Ryan & Cruzan – USCG 7th District – USCG ALJ License Proceeding Hearing – Mathews / Akerman Senterfitt – USCG**
Nature of Case: USCG license proceeding regarding the allision of the passenger vessel P/V REGAL EMPRESS with the John’s Pass Bridge in Pinellas County, Florida. Tampa, Florida.
Did not testify.
3. **1995 – Reese vs. Novak – Broward County Circuit Court – Cuva / Akerman Senterfitt – Civil**
Nature of Case: Rules of the Road look-out personal injury case resulting from the collision of two pleasure craft. Broward County, Florida. **Did not testify.**
4. **2001 - Exmar, N.V. (LPG Tanker GENT) v. Bay Transportation Corporation – Case No. 98-1087-CIV-T-26B - US District Court, Middle District of Florida – Tampa Division – Cuva / Akerman Senterfitt – Federal -**
Nature of Case: Grounding case of the LPG Tanker GENT in the Port of Tampa due to excessive vessel speed. **Deposed & testified.**
5. **2004 – United States of America v. Greenpeace, Inc. – Case No. 03-20577-JORDAN/BROWN – US District Court, Southern District of Florida – Miami Division – Moscowitz / Moscowitz & Magolnick – Federal**
Nature of Case: Illegal boarding before clearing case in which members of Greenpeace boarded a ship approaching the Port of Miami to protest deforestation. Case hinged upon the definition of the term: “arrival of a vessel.” **Did not testify.**
6. **2004 – Folegandros v. Florida Power & Light v. Wood – Case No. 8:03-CV-450-T-17-EAJ – U.S. District Court, Middle District of Florida – Tampa Division – Cuva / Akerman Senterfitt – Federal**
Nature of Case: Grounding case of a 650’ oil tanker, the M/T FOLENGANDROS, due to off-station aids-to-navigation while inbound in a narrow channel in Tampa Bay. **Did not testify.**

7. **2004 – United States Coast Guard v. Widmann – Docket No. PA 04-24 ACT #20664686 – USCG 7th District - USCG ALJ License Proceeding Hearing – Cuva / Akerman Senterfitt – USCG**

Nature of Case: License proceeding involving a towline parting on a parasailing vessel while towing a passenger and a concurrent second case involving a near-miss incident between two parasail vessels. **Did not testify.**

8. **2004 – In the Interest of Joseph S. Guagliardo, Jr. – Case No. 04-CJ-007196 – Hillsborough County Juvenile Court – Cuva / Akerman Senterfitt – Criminal**

Nature of Case: Rules of the Road look-out case which involved a boating accident resulting in a personal injury to a swimmer in a lake. Bear Lake, Florida. **Deposed & testified.**

9. **2005 – Scott E. Krueger v. Jason T. Walter - Case No.: 04-CA-7329 – Circuit Court of the 9th District – Orange County Webb / Kubicki Draper – Civil**

Nature of Case: Rules of the Road case that involved a jet-ski collision case which occurred on a lake. Orange County, Florida. **Did not testify.**

10. **2006 – Macheski v. Guagliardo – Case No.: 04-10865 – Circuit Court of the 13th Judicial Circuit – Hillsborough County – Cuva / Akerman Senterfitt – Civil**

Nature of Case: Civil trial case for the 2004 criminal case listed above (In the Interest of Joseph S. Guagliardo, Jr. – Case No. 04-CJ-007196 – Hillsborough County Juvenile Court – Criminal). **Deposed.**

11. **2006 – Duffy v. Lueders – Case No. 2004-CA-3267 – Circuit Court Okaloosa County – Anderson / Daniell Upton – Civil**

Nature of Case: Personal injury case in which a passenger was injured due to being thrown in a small boat in confused seas in Destin East Pass. Destin, Florida. **Did not testify.**

12. **2006 – USCG v. Nabers – Docket No. CG S&R 05-0561 - USCG 7th District - USCG ALJ License Proceeding Hearing – McCreadie / Lau Lane – USCG**

Nature of Case: USCG license action involving a tugboat captain whose crewmember was injured by being pinned between a line and a bitt while line handling on a vessel. Tampa, Florida. **Did not testify.**

13. **2006 – Garry v. TECO - Case No. 05-03483 –Circuit Court of the 13th Judicial Circuit - Hillsborough County – Bajo / Akerman Senterfitt – Civil**

Nature of Case: Case involving a sailboat's mast alliding with a high-tension power line. Tampa, Florida. **Deposed.**

14. **2007 – Napoli v. Vivolo / Blostein – Case No. 05 CA 7666 AN – Circuit Court of the 15th Judicial Circuit – Palm Beach, Florida – Blostein / Bunnel Woulfe – Civil**
Nature of Case: Personal injury case which occurred aboard a pleasure boat as a result of a passenger being thrown by a large wake within Jupiter Inlet Jetties. Jupiter, Florida. **Deposed.**
15. **2007 – Turner v. Skipper – Case No. 8: 05-CV-2181-T-30MSS – U.S. District Court, Middle District of Florida – Tampa Division – Appelbaum / Butler Pappas – Federal**
Nature of Case: A case involving the drowning of a passenger while swimming ashore after being dropped off from the boat in which he had been riding. St. Petersburg Beach, Florida.
Did not testify.
16. **2007 – Gulf Business v. Great Lakes Dredging – Charlotte County – McCreddie / Lau Lane – Civil**
Nature of Case: Rules of the Road look-out collision case between a fishing boat and a dredge operating in the Gulf of Mexico. Charlotte County, Florida. **Did not testify.**
17. **2007 – Bordelon v. Teco – Case No. 06-004601 – 13th Judicial Circuit Court – Hillsborough County – Division I – Civil – McCreddie / Lau Lane – Civil**
Nature of Case: Personal injury case resulting from a slip and fall incident on the fore deck of a tugboat during mooring operations. Tampa, Florida. **Deposed.**
18. **2007 – Florida Department of Business & Professional Regulation v. Wood – Mathews / Akerman Senterfitt – DBPOC License Proceeding**
Nature of Case: Shiphandling/piloting case involving the tanker M/T SULPHUR ENTERPRISE being surged at its dock by a passenger vessel. Tampa, Florida. **Did not testify.**
19. **2008 – Lowry v. Garrett & Bell – Case No. 2006 CA 000883 S – Circuit Court In and For Okaloosa County, Florida – Anderson / Daniell Upton – Civil**
Nature of Case: Personal injury case in which a passenger was injured due to being thrown in a pleasure craft as a result of seas or a wake in Destin East Pass. Destin, Florida. **Did not testify.**
20. **2008 – In the Matter of the Complaint of BPR II LLC – Helicopter Collision with Skater Boat – Case No.: 8:07-cv-2146-T-26EAJ – United States District Court, Middle District – McCreddie / Lau Lane – Civil**
Nature of Case: Multiple loss-of-life case involving the collision of a helicopter with a high performance boat it was photographing for a boating magazine cover. Sarasota, Florida. **Did not testify.**

21. **2008 – American West Steamboat Company v. S.D.S. Lumber Co. – Case No. CV 06-1423-KI United States District Court For The District Of Oregon – Haglund / Haglund Kelley – Federal**

Nature of Case: A case involving the grounding of the P/V EMPRESS OF THE NORTH as a result of avoiding colliding with a lumber tow in the Columbia River. Columbia River, Oregon.

Live video testimony.
22. **2009 – In the Matter of the Collision Between the S/V PRIORITY & the M/V REASONS – New Mandell / Mandell – Criminal**

Nature of Case: Rules of the Road loss-of-life and personal injury case involving a collision of a sailing vessel and powerboat due to a failure to maintain a proper look-out. Block Island Sound, Massachusetts. **Did not testify.**
23. **2009 – M/V COSCO BUSAN Allision with the Oakland Bay Bridge – San Francisco, California – Kimmerlein / Keesal, Young & Logan – Criminal**

Nature of Case: Shiphandling/piloting case in which a vessel got underway in restricted visibility and allided with the Oakland Bay Bridge. San Francisco Bay, California. **Did not testify.**
24. **2009 – Harris v. Bouchard – Case No. 09-CA-9099 – Circuit Court of the 13th Judicial Circuit - Hillsborough County – Division: J – McCreadie / Lau Lane – Civil**

Nature of Case: Personal Injury case in which a crew member was injured while line handling on an unseaworthy vessel. Glenmont, New York. **Did not testify.**
25. **2010 – Antilles Cement v. Grandeur of the Seas – Case No. 08-2211 (ADC) – United States District Court for the District of Puerto Rico – McAlpin / McAlpin & Conroy – Civil**

Nature of Case: Vessel surging case which occurred when the P/V GRANDEUR OF THE SEAS passed the M/V TAI HAPPINESS while moored at a cement dock. San Juan, Puerto Rico. **Did not testify.**
26. **2012 – United States of America v. Elhert – Case No. 8:11-CR-283-T-23TGW – United States District Court – Middle District of Florida – Tampa Division – Kent / William Kent, P.A. – Federal**

Nature of Case: Defendant was being tried on federal anti-terrorist charges for letting go the stern anchor on the P/V RYNDAM while the vessel was underway at sea as a result of extreme intoxication. **Testified.**

27. **2012 – Adley v. Westoil Marine Services – Case No. 11-CV-08592-PA (RZX) – U.S. District Court – Central District of California – Hilgenfeld – Davis Grimm Payne & Marra – Federal**
Nature of Case: Seaworthiness case. Defendant was being sued for discrimination for failing to accept a crewmember that captain felt was incapable to perform duties and fulfill the responsibilities of a deckhand. **Did not testify.**
28. **2012 – Kilpatrick v. Leonard – Case No. 51-2009-CA-02001-WS – Circuit Court of the Sixth Judicial Circuit – Pasco County, Florida – Blackburn/ Dutton Law Group – Civil**
 Personal injury wake case in which the defendant was accused of operating a pleasure craft unsafely causing a passenger to be bounced and injured when the vessel struck a wake. **Deposed.**
29. **2013 – Atherton v. Apollo Beach Marina Entities – Case No. 12-CA-007116 – Circuit Court of the 13th Judicial Circuits – Hillsborough County, Florida – McGuinn – Rywant Alvarez – Civil**
 Personal injury case involving an explosion on a boat caused by a gasoline leak. **Case ongoing.**
30. **2013 – Latorre v. Donjon Marine – Case No. CV 12-1764 – United States District Court for the Eastern District of New York – Mercante – Rubin Fiorella – Federal**
 A Jones Act case regarding a crushing injury of a crewmember’s foot when it slipped between a fender and the hull a tugboat while he was transferring from one tugboat to another at sea. **Did not testify.**
31. **2013 – State of Florida v. Kennedy – Case No. 4609-CF-002452-A – Circuit Court of the First Judicial Circuit in and for Okaloosa County, Florida – Norgard – Norgard & Norgard – Criminal**
 A criminal appeal case involving a collision in which both operators were BUI resulting in the loss of three passengers’ lives. Appeal is based on improper analysis of forensic evidence regarding how the collision occurred. **Deposed & Testified.**
32. **2013 - Terry et al. v. Carnival Cruise Lines – Case No. 13-20571-CIV – United States District Court Southern District Of Florida Miami Division – Briggs/ Mase Lara Eversole**
 A seamanship and towing case involving the P/V Carnival Triumph, which suffered an onboard fire and loss of power in the Gulf of Mexico. **Deposed – Case ongoing.**
33. **2014 – Miller v. Britton – Case No. 12-1933-CI-11 – In The Circuit Court of the Sixth Judicial Circuit In And For Pinellas County, Florida – Civil Division – Tucs / Allstate Insurance**
 A Rules of the Road and seamanship case in which two recreational boats were involved in a collision in a crowded observing boat anchorage for a high-speed boat race in Clearwater, Florida. **Did not testify.**

34. **2014 – Truex Dock Permitting Case – EPC Case Nos. 14-EPC-005, 006, & 008 – Before the Assigned Hearing Officer of the Environmental Protection Commission of Hillsborough County – Cuva / Bajo Cuva**

A dock permitting case in which an issued permit was being challenged by a neighbor on several grounds including that if built as planned it would constitute a hazard to navigation. **Testified.**

35. **2014 – Wiecek v. Collins River Logging – Case No. 2012-CA-5227 – In the Circuit Court In and For Alachua County, Florida – Biondi / Fulmer LeRoy**

A seamanship case involving an allision in a river in northwest Florida where a commercial boat owned and operated by a company that recovered ancient trees from river bottoms to be used as exquisite furniture lumber struck a tree just below the surface resulting in an employee being thrown from the boat and being impaled on the broken branch of a tree on shore. **Did not testify.**

36. **2014 – Vandenberg v. Brunswick Corporation v. Trace Ambulance – Case No. 10 CV 05520 – In the Circuit Court of Cook County, Illinois - County Department, Law Division – Huntley & Sanchez / Sanchez Daniels**

Personal injury case involving a fall from a deck without a deck rail during an illegal charter. Question of master's responsibility versus that of management of injured passenger's employer. **Deposed.**

37. **2014 – Sheppard v. Maritime Services of Charleston, Inc. – Case Nos. 2:14-CV-1824 & 1824 – PMD – In the United States District Court District of South Carolina, Charleston Division – Collins / Womble Carlyle**

A case in which a crew transport vessel carrying longshoremen from a vessel moored from a midstream offloading facility dropped into a vortex depression in the surface of the water injuring one of the longshoremen on board. **Case ongoing.**

38. **2014 – Walker v. Miller Marine Services – Case No. 1 2-CV-01761 (MPS) – United States District Court in the District of Connecticut – Gonzalez & Mercante / Rubin Fiorello**

A personal injury case where a pilot disembarking from a crew transport vessel failed to wait until the vessel was safely secured alongside the dock and an escort was available to assist him before attempting to disembark resulting in him falling into the water. **Case ongoing.**

39. **2015 – Nace v. Martinelli – Case No. 2013-CA-001048-NC – In the Circuit Court of the Twelfth Judicial Circuit In and For Sarasota County, Florida – Ruel / Galloway Johnson**

A grounding case in Big Sarasota Pass where a vessel being used for a cruise for hire ran aground and a passenger onboard was injured by the sudden stop. **Case ongoing.**