

MARITIME LAW ASSOCIATION OF THE UNITED STATES

**Committee on Inland Waters and Towing Meeting Agenda**

Fall 2021 Meeting (Thursday, November 4, 2021 2:00 p.m. EST)

**John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Boston MA 02210  
Magistrate Judge Marianne B. Bowler's Courtroom 25 (7<sup>th</sup> Floor)**

**Tug/Scow Inspection -United States Courthouse Dock**

**I. Chair's Welcome and Opening Remarks**

Marissa Henderson, Ventker Henderson, Norfolk VA

**II. Whose Fault is it Anyway? Discussion of *Western Towboat Co. v. Vigor Marine, LLC*, 2021 WL 2531009 (W.D. Wa. June 21, 2021).**

Presented by: David Boyajian, Schwabe Williamson & Wyatt, Seattle WA

- When a dead ship tow/WWII-era drydock sinks in a National Marine Sanctuary and now NOAA's calling (and can impose huge penalties without fault)
- Contractual Indemnity, Knock for Knock Issues in Towing Agreement
- Negligence of Tower - situational awareness, charted "hazards"
- Seaworthiness of Tow -pre-trip survey, knowledge, standards, tower's towing plan; the line between seaworthiness of the tow (owner of tow's responsibility) and safe navigation of tow (tug's responsibility)

**III. Good of the Order**

**IV. Tug and Scow Demonstration, Federal Courthouse Dock (as in put your coats on!)**

**V. Adjournment**