

L/B SEACOR POWER Capsizing – Summary of Proceedings and Issues



Photos from NTSB Preliminary Report, https://www.dco.uscg.mil/Portals/9/OCSNCOE/Casualty-Information/NTSB/Preliminary-Report-Seacor-Power.pdf?ver=XpqHN1CUwpQJ9E3cFrBI_w%3D%3D

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- Capsizing occurred on 13 April 2021 at roughly 1541 local time, ~8 miles south of Port Fourchon en route to a Talos Energy platform located in “Main Pass Block 138” east of the Mississippi Delta
- POWER was engaged in jacking down and turning to windward at the time of the incident:

About 1530, a rain squall passed over the vessel as it transited the open waters of the gulf. Visibility dropped and the winds increased significantly, so crew decided to lower the *Seacor Power*'s legs to the seafloor to hold the vessel in position until the storm passed. When the legs began to descend, the crewmember at the helm attempted to turn the vessel into the winds. Before the turn was completed, the *Seacor Power* heeled to starboard and capsized.

- The exposed leg had descended about five feet, which would take about a minute, indicating jacking maneuver had commenced very shortly before capsizing

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WA
EVENT



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- Nineteen personnel on board:
 - nine crew (employed by Seacor Marine, LLC);
 - two galley staff (OSSA Offshore Catering),
 - eight offshore workers (Cardinal Services, Inc.; Chalmers, Collins & Alwell; Major Equipment and Remediation Services, Inc.; Fugro)
- 7 remain missing and are presumed deceased; 6 confirmed deceased; 6 rescued
- Likely significant status issues, and resulting damage category differences, among the various personnel (*Sanchez v. Smart Fabricators of Texas, L.L.C.*, 997 F.3d 564, 576 (5th Cir. 2021))

L/B Sumr

ng – ssues

- Salvage/rescue ongoing severe
- Original salvage shore, but crack prevented safe shore/capsized-
- Bow section wa 2021
- Remainder of h site were affect
- No update on s
- Court has ente remnants at the

hours by

el and tow to structure that orkboat.com/off (art)

Houma July 9

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- NTSB is the lead agency for the SEACOR POWER Investigation
- <https://livestream.com/uscginvestigations/events/9764017>
- 17 June 2021 NTSB-USCG MOU (superseding 19 Dec. 2008 MOU):
 - e. The NTSB and the USCG recognize that in particular circumstances the need for further clarification will arise in order to facilitate decision making to determine which agency will lead the maritime casualty investigation. Therefore, the NTSB and USCG agree that during communications to determine the lead, the preference is for the NTSB to lead the major marine casualty investigation of any incident which involves:
 - i. another transportation mode;
 - ii. serious threat of, or presumed loss of six or more lives on a passenger vessel;
 - iii. serious threat of, or presumed loss of twelve or more lives on a commercial vessel;
 - iv. serious threat of, or presumed high loss of life beyond the vessel(s) involved;
 - v. significant safety issues relating to the infrastructure of the maritime transportation system or the environment by hazardous materials;
 - vi. safety issues of a recurring character; or,
 - vii. significant safety issues relating to USCG statutory missions, specifically aids to navigation, search and rescue, and marine safety.
- NTSB preliminary report issued 18 May 2021
- Public Hearing held in Houma from 2-13 August 2021; 32 witnesses + 230 exhibits

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- Potential issues with respect to USCG marine safety mission
- NAVTEX outage due to problem with Verizon coverage

7:02 AM – Seacor
Dispatch Forecast

12:17 – 12:07 – NAVTEX NWS
Special Marine Warning

2:27 PM – NAVTEX NWS Special
Marine Warning

Tuesday 4/13

Morning

Breezy ESE winds with moderate choppy seas. Very Small very short period waves.

Winds: ESE 10 to 14 knots.
Seas: SE 3 feet at 5 seconds.

Afternoon

Light SE winds with a slight chop. Very Small very short period waves.

Winds: SE 9 to 12 knots.
Seas: SE 3 feet at 5 seconds.

* At 1207 PM CDT, a severe thunderstorm was located 8 nm west of Grand Isle, moving northeast at 20 knots.

210413T2030Z/

/ A"ood /

* Locations impacted include...
Barataria Bay.

N - IMMEDIATE BROADCAST REQUESTED
Marine Warning
1 Weather Service New Orleans LA
CDT Tue Apr 13 2021

The National Weather Service in New Orleans has issued a

* Special Marine Warning for...
Breton Sound...

Coastal waters from the Southwest Pass of the Mississippi River to Port Fourchon Louisiana out 20 NM...

* Until 330 PM CDT.

* At 226 PM CDT, a severe thunderstorm was located 9 nm northwest of Barataria Bay, moving east at 15 knots.

HAZARD...Wind gusts 34 knots or greater and large hail.

SOURCE...Radar.

IMPACT...Expect wind gusts in excess of 34 knots and suddenly higher waves. Boats could sustain damage or capsize. Make sure all on board are wearing life jackets. Return to safe harbor if possible. Large hail could result in injury and damage to boats...vessels and oil rigs.

- Around 1200 CT- watch stander observed issued with connectivity between Chesapeake and NOLA unmanned broadcast facilities; not restored until 423 PM

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- Testing regular shipshape MODU
- USCG study
- 46 CF condition
- Plan formal

Improve Liftboat Stability Standards

2022-21

Mission Need: Mitigate stability-related hazards to liftboats/operators.

Objectives

- Conduct “Non-Ship Shape Vessel Stability Requirements” study.
 - Analyze hull design and construction variations.
 - Investigate contributing causes of stability failure.
 - Associate contributing factors with stability risks.
 - Develop mitigation strategies tailored to liftboat classifications.
- Engage CG-SAR to develop revised Tactics, Techniques, and Procedures (TTP) for liftboat rescue operations.
- Support classification and regulation revision process as appropriate.



Notes

- Leverage Sponsor activities to conduct “Non-Ship Shape Vessel Stability Requirements” study.
- Leverage current American Bureau of Shipping guidance for building and classing liftboats.
- Leverage the National Academies of Sciences, Engineering, and Medicine resources.
- Leverage State Maritime Academies.

Sponsor: CG-ENG **Stakeholder(s):** CG-SP/SAR/INV, D7/DB, CGA, CG Outer Continental Shelf National COE, CG Marine Safety Center

RDC Research Lead: LT Dean Gilbert **CG-926 Domain Lead:** LT Steve Hager

Anticipated Transition: Knowledge Product
Standard Regulations

Project Timeline / Key Milestones

Project Start: Oct 21	
Liftboat Observation at D7	Dec 21
Contract Awarded for Liftboat Stability Study	Aug 22
Risk Matrix and Mitigation Strategies Developed	Dec 22
Liftboat Stability Standards Risk Matrix and Recommendations (Brief)	Apr 23 ★
Developed/Revised Liftboat Rescue TTPs	Jul 23
Liftboat Stability Standards Classifications and Recommendations (Report & Brief)	Feb 24 ★
Project Completion: Feb 24	



Acquisition Directorate
Research & Development Center



CG Research & Development Center
UNCLAS//Internet Release is Authorized

Indicates RDC Product ★

July 2021 50

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- Limitation of Liability Petition filed 2 June 2021 by three entities: Falcon Global Offshore II, LLC (as owner), Seacor Marine, LLC (as operator) and Seacor Liftboats, LLC (as “incorrectly” named owner/operator)
- 44 claimants; 37 personal injury/wrongful death; 7 commercial claimants/cross-claimants
- Claims asserted against Seacor entities as well as:
 - Talos Energy, LLC (alleged time charterer liability)
 - Donjon Smit, LLC/Donjon Marine Co., Inc. (alleged negligent rescue/salvage operations)
 - SEMCO, LLC (alleged negligent design/construction/modification)

Unseaworthiness

- Generally, the **owner** of a vessel has an absolute nondelegable duty to provide a seaworthy vessel, and is the appropriate defendant to an unseaworthiness claim
- The appropriate defendant in an unseaworthiness case is the person who had operational control of the ship at the time the condition was created, or the accident occurred
- *Delozier v. S2 Energy Operating, LLC*, 491 F.Supp.3d 149 (E.D. La 2020) – Summary Judgment granted as payroll employer was not liable on Jones Act seaman’s unseaworthiness claim

Maritime Tort - Negligent Design and Construction

- Elements of a maritime negligence cause of action:
 - (1) the defendant owed a duty;
 - (2) the defendant breached that duty;
 - (3) the plaintiff sustained damages; and
 - (4) the defendant's wrongful conduct caused his damages.
 - ***Tort claims for negligent construction or design of vessels will lie in admiralty if the negligence constitutes a maritime tort*** (*Employers Ins. Of Wausau v. Suwannee River Spa Lines, Inc.*, 866 F. 2d 752 (5th Cir. 1989); *Jig the Third Corp. v. Puritan Marine Ins. Underwriters Corp.*, 519 F.2d 171, 174 (5th Cir. 1975).

Maritime Products Liability

– Elements of a Maritime Products Claim :

- (1) the defendant sold the products;
- (2) the products were unreasonably dangerous or defective when they left the defendant's control;
- (3) those defects caused the plaintiff's injury; and
- (4) damages.
- **The “ultimate user or consumer” who is harmed by the allegedly defective product may file suit. He may be an employee of the final purchaser.**

Res Ipsa!!!

– Elements of Res Ipsa Loquitur:

- Applies where a plaintiff uses circumstantial evidence alone to prove negligence by defendant
 - **“The thing speaks for itself”** allows inference of negligence on part of defendant from circumstances surrounding injury
 - Applies when 3 criteria are met:
 - (1) Injury is the kind which ordinarily does not occur in the absence of negligence;
 - (2) Evidence must sufficiently eliminate other more probable causes of the injury, such as conduct of plaintiff or third person; and
 - (3) Negligence of defendant must fall within scope of his duty to plaintiff.