

TULANE MARITIME LAW JOURNAL

VOLUME 40

SUMMER 2016

NUMBER 2

CONTENTS



ARTICLE

- ORGANIZING MARINE CASUALTY INVESTIGATIONS: A "WICKED PROBLEM" FOR MARITIME REGULATORS *Brian K. McNamara* 307

RECENT DEVELOPMENTS

- RECENT DEVELOPMENTS IN ADMIRALTY AND MARITIME LAW AT THE NATIONAL LEVEL AND IN THE FIFTH AND ELEVENTH CIRCUITS *David W. Robertson*
Michael F. Sturley 343

INTERNATIONAL RECENT DEVELOPMENTS

- INTERNATIONAL RECENT DEVELOPMENTS: AUSTRALIA *Kate Lewins*
Ashwin Nair 455

- INTERNATIONAL RECENT DEVELOPMENTS: UNITED KINGDOM *Theodora Nikaki* 483

NOTES

- STRANDED ON DECK: THE THIRD CIRCUIT PREVENTS THE TONNAGE CLAUSE FROM COMING ASHORE IN *MAHER TERMINALS, LLC v. PORT AUTHORITY OF NEW YORK & NEW JERSEY* *Guyer S. Bogen* 493

CHMM, LLC. v. FREEMAN MARINE EQUIPMENT, INC.:
 REDEFINING "OTHER PROPERTY" UNDER THE ECONOMIC LOSS DOCTRINE *Ashley Giambelluca* 507

THE BEST OF BOTH WORLDS: THE FIFTH CIRCUIT'S INTERPRETATION OF "WITHIN REASONABLE CONTEMPLATION" PROVIDES IMPORTANT DISCOVERY OPPORTUNITIES FOR INTERNATIONAL MARITIME LITIGANTS *Benjamin M. Glass* 519

PROGRESS BE DAMMED: THE EIGHTH CIRCUIT LIMITS § 408 OF THE RIVERS AND HARBORS ACT TO IN REM RECOVERY, AGGRAVATING CRUMBLING INFRASTRUCTURE ON INLAND WATER SHIPPING ROUTES *Yen T. Mai* 531

UNCHARTED WATERS: *IN RE VEHICLE CARRIER SERVICES ANTITRUST LITIGATION* AND THE SINKING OF STATE ANTITRUST ACTIONS *James L. Pound* 545

LIENING BACKWARDS: THE FIFTH CIRCUIT CREATES A STRICT STANDARD FOR CONTRACTS GIVING RISE TO MARITIME LIENS IN *COMAR MARINE, CORP. v. RAIDER MARINE LOGISTICS, L.L.C.* *Zackory Wood* 561

SINKING UBERR
 HOW THE EIGHTH
 DECISION IN *ST*
 & *MARINE INSU*
v. ABHE & SVO
 ACCIDENTALLY
 DOCTRINE BEFO
 INSURANCE AC
 COULD

belluca 507

Glass 519

531

545

561

SINKING UBERRIMAE FIDEI:
HOW THE EIGHTH CIRCUIT'S
DECISION IN *ST. PAUL FIRE
& MARINE INSURANCE CO.
V. ABHE & SVOBODA, INC.*,
ACCIDENTALLY SANK THE
DOCTRINE BEFORE THE
INSURANCE ACT 2015

COULD *W. Benjamin Woody* 573