

# SAFE HARBOR

A monthly newsletter for the Maritime worker from  
The Law Offices of Lyle C. Cavin, Jr.

*October 2013*



Thank you for your maritime service and taking the time to review our Newsletter. We at the Law Offices of Lyle C. Cavin, Jr. hope you find the following information informative and helpful. If you have any questions regarding your rights or remedies please contact us at any time. We are here to serve you.



## SUING THE U.S. GOVERNMENT - PART II



Suing the government as a vessel owner or operator can be very complicated. Such claims may only be brought pursuant to the Suits in Admiralty Act, the Public Vessels Act, or the Admiralty Extension Act. The statute of limitations is never more than two years with the government; however, under the Admiralty Extension Act (and the Federal Tort Claims Act), a claim must first be brought and a six-month period must expire before suit is permitted. Effectively this limits the statute of limitations to 18 months or six months after the claim is filed and deemed denied. Another potential pitfall

exists where the crewmember is employed aboard a Maritime Administration vessel (MARAD). The same six-month claim requirement exists under the Clarification Act permitting such suits. Beware of the dangers in suing the U.S. government!

## QUESTION FROM THE BRIDGE



*I was injured aboard a U.S. operated ship by a negligently stowed piece of cargo. How long do I have to bring suit?  
Raul, New York.*

Raul,

Because your accident may have been caused by negligence originating ashore your case could be governed by the Admiralty Extension Act. You must bring a claim at least 18 months after the accident to be able to sue within the statute of limitations. The 24 month statute of limitations is applied but a claim must be first presented and then you must wait for 6 months before you can file suit. Don't delay!

### About Our Law Firm

For more than four decades, merchant mariners, longshoremen, fishermen and harbor workers plying their trades at sea, on the docks, on our U.S. coastal waters and inland waterways have turned to the maritime law firm of Lyle C. Cavin, Jr. & Associates in Oakland. Today, we are proud to be recognized as one of the preeminent maritime law firms serving injured marine workers nationwide, as well as one of the most successful personal injury litigation firms serving victims of negligence in the San Francisco Bay Area and throughout the West Coast.

### Team Approach to Every Personal Injury and Jones Act Claim

When you retain Lyle C. Cavin, Jr. & Associates with a Jones Act injury claim or personal injury claim, you don't get just one attorney, you get our entire team of dedicated professionals. Our attorneys offer more than 150 combined years of courtroom and negotiated claims settlement experience. We will represent your interests with unwavering dedication, speed and expertise.

Law Offices of Lyle C. Cavin, Jr. & Associates

*"Serving the Merchant Mariner Since 1970"*

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