

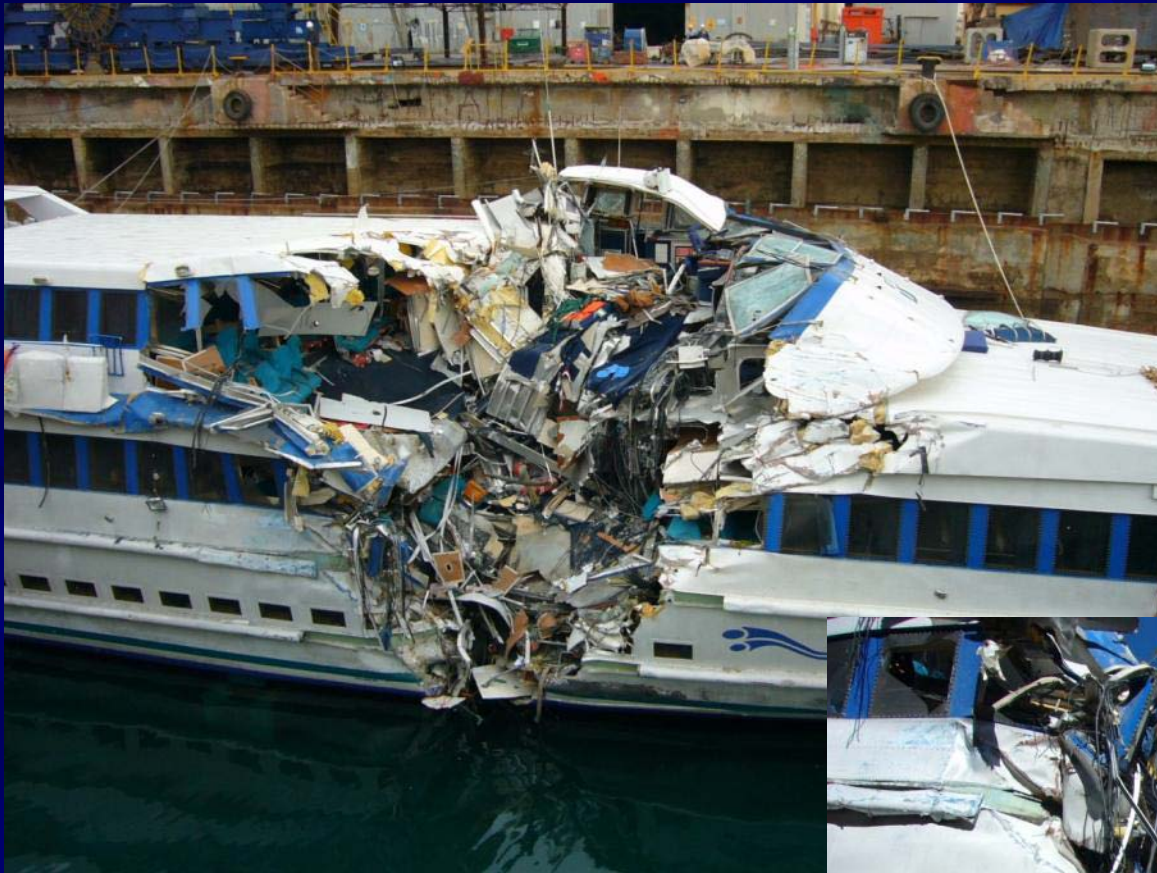
**“SUSAN BORCHARD” c/w
“SEGESTA JET”
at Messina on 16.1.2007**

**Avv. Aldo Mordiglia
Studio Legale Mordiglia
London, 19 October 2010**









The vessels

- SUSAN BORCHARD: container ship, GT 6277, Antigua& Barbuda flag
- SEGESTA JET: passenger ship owned by Italian Railway (public company), GT 392, Italian flag

Consequences of the collision

- 4 crewmembers of SEGESTA JET died, including the Master
- 100 passengers were injured, some very badly

Enquiries

- Inchiesta Sommaria (administrative enquiry by the local Harbour Master office)
- Criminal investigation
- Detention of both ships
- Third ship involved

Problems

- Discussion on apportionment of liability;
- Limitation of liability
 - SEGESTA JET: Italian flag, Italian Code of Navigation, small value;
 - SUSAN BORCHARD: Antigua& Barduba flag, high value
- Public opinion and media pressure
- Joint liability towards deceased next of kin

Ideas...

- Waiver of Owners limitation of liability;
- Exchange of Guarantees for identical amounts;
- Agreement to promptly settle at the best available terms the third party claims, with a without prejudice apportionment of liability to be decided in Arbitration in Genoa;
- Plea bargain for the SUSAN BORCHARD Master;
- Strategy to get reimbursement from the third ship interests

Result

- Quick response;
- Saving costs.