

### FEATURED CASUALTY

## Morning Spruce

Car Carrier, Built 1981, 28,210 dwt

**Date of Casualty** Continuing

**Voyage** Korea to San Diego

**Cargo** Hyundai cars

**Type of Casualty** Engine breakdown

**Type of Claim** Losses caused by delay/  
deviation

Some weeks ago we were advised that the Morning Spruce had suffered an engine breakdown and was drifting in the Okhotsk sea not under command. The vessel managed to get underway but on researching the incident and the vessel's history we noted that in February the vessel had been widely reported to have suffered on-going engine problems off the coast of Oregon, US. A few weeks have gone by and the vessel has continued to experience problems, making a number of stops to carry out repairs, with rumours that she had to be towed into one port of refuge. The current series of breakdowns have caused the vessel to be considerably behind her delivery schedule and may have affected the release of her cargo of redesigned Hyundai Equus luxury cars. She is expected to arrive into San Diego with her cargo of cars during the course of this week.

The previous casualty history makes the Morning Spruce an ideal feature of our newsletter this week because evidence of repeated casualties inevitably gives rise to questions relating to the seaworthiness of



the vessels involved. We are often engaged to defend General Average claims arising from many different casualty situations but engine breakdowns, perhaps more than any other casualty, always raise the spectre of unseaworthiness and the possibility of a viable Rule D defence. A vessel which has repeatedly suffered breakdowns in a short period of time potentially points to long term issues and provides a ready defence to any General Average claim. Although this may be a classic General Average situation it would be surprising, given the well-publicised engine problems, if the owners of the Morning Spruce declare General Average. We will of course have to wait and see but perhaps the bigger question is whether any claims can be successfully advanced for losses arising from the delays? Something perhaps to be explored in the terms and conditions of the contract of carriage...

### CASUALTY FOLLOW UP

**Lipica** –The shipowner has declared General Average and appointed Stihling Hahn Hilbrich GmbH as the GA Adjusters. SHH are seeking to collect security from the owners of the project cargo.

**Grandeur of the Seas** – We understand that Svitzer Salvage were involved in providing assistance to the fire stricken vessel.

**Jacson 4** – 10 bodies have been recovered from the capsized tug.

### NEW CASUALTIES

#### Georg Buchner

Decommissioned general cargo vessel, Built 1951, 9,233 dwt

**Date of Casualty** 30 May 2013

**Voyage** Under tow to breakers at Klaipeda

**Cargo** n/a

**Type of Casualty** Sinking off the Polish coast. There is intense speculation on the circumstances of the sinking.

**Type of Claim** Total loss claim

#### Batur

General cargo vessel, Built 1974, 3,134 dwt

**Date of Casualty** 30 May 2013

**Voyage** Istanbul, Turkey to Libya

**Cargo** No details

**Type of Casualty** Missing – possible sinking

**Type of Claim** Possible total loss claim, loss of life

#### BBC Arizona

General cargo with container capacity, Built 2010, 12,746 dwt

**Date of Casualty** 31 May 2013

**Voyage** Qinhuangdao, China to Valdez, USA

**Cargo** General containerised cargo

**Type of Casualty** Fire whilst the vessel was moored alongside the Valdez Container Terminal in Port Valdez.

**Type of Claim** Cargo loss

#### Green Field 1/ Eureka

Green Field 1 - Combined chemical and oil tanker, Built 1988, 40,474 dwt

Eureka – Coaster, no data available

**Date of Casualty** 31 May 2013

**Voyage** Ruwais, UAE to

Chittagong / Chittagong (destination unknown)

**Cargo** Fertilizer / Urea

**Type of Casualty** Collision at Chittagong leading to the loss of the Eureka

**Type of Claim** Collision damage claim

#### Imperial Spirit/Profit

Imperial Spirit - Bulk carrier, Built 2005, 52,466 dwt

Profit – Crude oil tanker, Built 2009, 156,643 dwt

**Date of Casualty** 31 May 2013

**Voyage** Houston to Lagos, Nigeria / Qua Iboe, Nigeria to Houston, USA

**Cargo** Grain / 19 million gallons of crude oil

**Type of Casualty** Collision off Galveston, USA. The *Profit* suffered a 25-30 foot puncture in her starboard side shell plating above the waterline. The extent of the damage to the *Imperial Spirit* is unknown and she is awaiting a survey at Galveston.

**Type of Claim** Collision damage claim



#### Island Innovator

Oil Rig – Built 2012

**Date of Casualty** 31 May 2013

**Voyage** Docked at Hanoytangen in Askoy Hordaland

**Cargo** n/a

**Type of Casualty** Loss of stability. The rig suffered a list of 3-4° resulting from a leaking pump. The rig was stabilised with the assistance of offshore tugs and use of ballasting measures.

**Type of Claim** Possible salvage claim

#### City of Paris

Vehicle carrier, Built 1999, 2,793 dwt

**Date of Casualty** 31 May 2013

**Voyage** Tyne, UK to Santander, Spain

**Cargo** 725 Nissan cars

**Type of Casualty** Engine breakdown. The vessel was assisted into Falmouth by tug

**Type of Claim** Possible salvage and General Average declaration



#### Minerva Maya

Crude oil tanker, Built 2002, 105,709 dwt

**Date of Casualty** 2 June 2013

**Voyage** To Nederland Terminal, USA then to Saint John, Canada

**Cargo** In ballast

**Type of Casualty** Collision with pusher tug *M.L. Crochet* in Houston Ship Channel. The tanker suffered a breach in her shell plating in her bow area portside, above the waterline. Five barges which were being pushed by the tug were also damaged.

**Type of Claim** Collision damage claim

#### Ghent Max

Bulk carrier, Built 1998, 73,056 dwt

**Date of Casualty** 2 June 2013

**Voyage** Riga, Latvia to Hamburg, Germany

**Cargo** No details

**Type of Casualty** Grounding in River Elbe. The vessel was refloated with the assistance of three tugs and proceeded to Hamburg.

**Type of Claim** Salvage and possible GA declaration

**Type of Claim** Salvage, hull damage, GA declaration

#### Little Ann

General cargo vessel, Built 1972, 3,595 dwt

**Date of Casualty** 3 June 2013

**Voyage** Podporozhye to Turkey

**Cargo** Timber

**Type of Casualty** Grounding on the Volgo-Balt Canal near to Modoma. The vessel requires lightering before refloating

**Type of Claim** Possible salvage claim and/or General Average declaration

#### Ocean Primero

Liquid Petroleum Gas Carrier, Built 1993, 3,542 dwt

**Date of Casualty** 3 June 2013

**Voyage** Sines, Portugal for Tarragona, Spain

**Cargo** In ballast

**Type of Casualty** Engine problems. The vessel was towed into Cartagena and is undergoing repairs

**Type of Claim** Possible salvage claim