No. 18-266

In the

Supreme Court of the United States

FRANCIS & MARY MARION, CHARLES & MARY PINCKNEY, JOHN & ELIZABETH RUTLEDGE, JAMES S. THURMOND, AND ESSIE MAE WASHINGTON-WILLIAMS,

Petitioners,

v.

SALLY'S SEAFOOD SHACK, INC.,

Respondent.

On Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

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COMPETITION PACKET FOR THE TWENTY-SIXTH ANNUAL JUDGE JOHN R. BROWN ADMIRALTY MOOT COURT COMPETITION, 2019

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UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-2318

In the Matter of the Complaint of Sally's Seafood Shack, Inc., as Owner and Operator of the F/V Flamingo, for Exoneration from or Limitation of Liability

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SALLY'S SEAFOOD SHACK, INC., as Owner and Operator of the F/V Flamingo, for Exoneration from or Limitation of Liability,
Petitioner-Appellee,

v.

FRANCIS & MARY MARION, CHARLES & MARY PINCKNEY, JOHN & ELIZABETH RUTLEDGE, JAMES S. THURMOND, AND ESSIE MAE WASHINGTON-WILLIAMS,
Claimants-Appellants.

Appeal from the United States District Court
for the District of South Carolina, at Charleston
Michele Y. Portia, District Judge.
(6:16-cv-00945-MYP)

Argued: March 1, 2018

Decided: May 7, 2018

Before JUSTINIAN, SOLOMON, and HAMMURABI, Circuit Judges.

Appeal dismissed by published opinion.
Judge Hammurabi wrote the majority opinion, in which Judge Justinian joined.
Judge Solomon wrote an opinion concurring in the judgement.

HAMMURABI, Circuit Judge:

Claimants-appellants ask us to review an adverse judgment of the district court limiting petitioner-appellee's liability, if any, under the Limitation Act, 46 U.S.C. §§ 30501-12. They invoke our jurisdiction under 28 U.S.C. § 1292(a)(3). Because we lack appellate jurisdiction, we dismiss the appeal.

I
Facts and Proceedings

On the evening of July 17, 2015, the *F/V Flamingo* — a converted fishing vessel housing a floating seafood restaurant known as "Sally's Seafood Shack" — sank at its anchorage on the banks of the Cooper River in Charleston, South Carolina. Eight patrons dining at the restaurant that evening were injured in the incident, and they all filed state-law tort suits in state courts. Sally's Seafood Shack, Inc. ("Seafood Shack"), the owner of the vessel (and the restaurant), initiated the present action when it filed a petition in the district court to limit its liability pursuant to the Limitation Act, 46 U.S.C. §§ 30501-12. Because the post-incident value of the *Flamingo* was conceded to be less than a thousand dollars (and there was no "pending freight"), Seafood Shack deposited $1,000.00 with the district court under 46 U.S.C. § 30511(b)(1).[1] This stayed the state-court tort actions against Seafood Shack, *see* 46 U.S.C. § 30511(c), and the eight plaintiffs in those actions filed claims in the limitation proceeding.

The district court bifurcated the trial. In Phase One, it heard evidence regarding Seafood Shack's entitlement to limitation of liability. After that trial, it issued an opinion holding (1) that it had admiralty jurisdiction under the Limitation Act, and (2) that Seafood Shack was entitled to limit its liability (if any) under the Act. The Phase Two trial, which will determine whether Seafood Shack is liable to any of the claimants and the extent of the liability, has not yet been set. In the meantime, the eight claimants bring this interlocutory appeal challenging the district court's ruling that Seafood Shack is entitled to limit its liability.

[1] The Limitation Act generally provides a higher limitation fund for personal injury claims, *see* 46 U.S.C. § 30506, but that provision does not apply here, *see* 46 U.S.C. § 30506(a).

II
Analysis

Claimants do not contend that the district court's judgment was final, giving us appellate jurisdiction under 28 U.S.C. § 1291. On the contrary, they admit that the district court has not yet resolved whether Seafood Shack is liable at all for the damages that they suffered.[2] Nor do claimants assert that we have appellate jurisdiction under 28 U.S.C. § 1292(b). Claimants' sole argument in support of our appellate jurisdiction is that they are entitled to an interlocutory appeal as a matter of right under 28 U.S.C. § 1292(a)(3), which grants us jurisdiction over appeals from:

> Interlocutory decrees of . . . district courts or the judges thereof determining the rights and liabilities of the parties to admiralty cases in which appeals from final decrees are allowed.

Section 1292(a)(3), by its terms, applies only to admiralty cases. We must first determine, therefore, whether this case fell within the district court's admiralty jurisdiction. The district court held that it had admiralty jurisdiction even though it recognized that the requirements for admiralty tort jurisdiction announced by the Supreme Court in *Jerome B. Grubart, Inc. v. Great Lakes Dredge & Dock Co.*, 513 U.S. 527, 1995 AMC 913 (1995), were not satisfied. The district court instead held that the Limitation Act, 46 U.S.C. §§ 30501-12, provides an independent basis for admiralty jurisdiction.[3]

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[2] Seafood Shack still denies that it is liable for the claimants' damages. The district court will address that issue in Phase Two of the trial (if the parties do not settle the action before then).

[3] Despite their invocation of 28 U.S.C. § 1292(a)(3), claimants argue that the Limitation Act does *not* provide an independent basis for admiralty jurisdiction. If we were to agree with their argument, they would lose any right they might have to bring an interlocutory appeal under section 1292(a)(3), but they would achieve a greater victory. If we were to dismiss this appeal on the ground that the district court did not have admiralty jurisdiction under the Limitation Act, then that court would be bound to dismiss Seafood Shack's limitation petition for lack of jurisdiction. Claimants would be free to pursue their tort actions in state court, Seafood Shack would not be entitled to limit its liability, and the section 1292(a)(3) question would be moot.

All the parties agree that the *Grubart* requirements have not been satisfied. They also agree that the Admiralty Extension Act, 46 U.S.C. § 30101, does not confer jurisdiction on the facts here. And they agree that if the Limitation Act does not confer jurisdiction, there is no other basis for admiralty jurisdiction. Indeed, they agree that there would be no other basis for federal jurisdiction at all. No one has suggested any federal question sufficient to establish jurisdiction under 28 U.S.C. § 1331, and the parties are not diverse, *cf.* 28 U.S.C. § 1332.

We conclude (in agreement with the district court) that this is an admiralty case, with the result that 28 U.S.C. § 1292(a)(3) may potentially apply, because the Limitation Act provides an independent basis for admiralty jurisdiction. More specifically, we are persuaded that this case is governed by *Richardson v. Harmon*, 222 U.S. 96, 2001 AMC 1207 (1911), in which the Supreme Court upheld the admiralty jurisdiction of a district court over a petition to limit liability for what was then a non-maritime tort. The *Richardson* Court concluded that section 18 of the Shipping Act of 1884, 23 Stat. 57 — codified at 46 U.S.C. app. § 189 until the 2006 recodification of title 46 and now incorporated into 46 U.S.C. § 30505 — "harmonizes with the policy of limiting the owner's risk to his interest in the ship in respect of all claims arising out of the conduct of the master and crew, whether the liability be strictly maritime or from a tort non-maritime . . . ." 222 U.S. at 106, 2001 AMC at 1212; *see also Just v. Chambers*, 312 U.S. 383, 386, 1941 AMC 430, 432 (1941).

Having decided that section 1292(a)(3) is generally applicable (because this is properly an admiralty case), we must now address whether that provision furnishes appellate jurisdiction on the present facts. The answer to that question depends upon whether the district court can be said to have "determine[ed] the rights and liabilities of the parties" when it granted Seafood Shack the right to limit its liability without deciding whether it had any liability to be limited.

We begin by noting that the national jurisprudence construing § 1292(a)(3) is deplorably chaotic. *See generally* 16 CHARLES ALAN WRIGHT, ARTHUR R. MILLER & EDWARD H. COOPER, FEDERAL PRACTICE & PROCEDURE § 3927 (2012 & supp. 2018). The courts generally proclaim a "strict construction" approach to section 1292(a)(3), but they often yield to the temptation to ignore such proclamations when a strong enough practical case for hearing an interlocutory appeal is presented. On the precise issue presented here — whether a district court has "determined the rights and liabilities of the parties" when it decides that a defendant whose liability *vel non* has not yet been adjudicated will in the event of liability be entitled to limit its liability to a trivial amount — there is a long-standing conflict between the Fifth and Ninth Circuits. *Compare Carman Tool & Abrasives, Inc. v. Evergreen Lines*, 871 F.2d 897, 898, 1989 AMC 913, 914 (9th Cir. 1989) (exercising § 1292(a)(3) jurisdiction), *with Bucher-Guyer AG v. M/V Incontrans Spirit*, 868 F.2d 734 (5th Cir. 1989) (per curiam) (denying appellate jurisdiction because on its face § 1292(a)(3) precludes the exercise of appellate jurisdiction when the issue of liability *vel non* has not yet been reached); *see also, e.g.*, *Williamson v. Recovery Ltd. Partnership*, 731 F.3d 608, 2014 AMC 330 (6th Cir. 2013); *Burgbacher v. University of Pittsburgh*, 860 F.2d 87, 1989 AMC 149 (3d Cir. 1988); *cf. Wallis v. Prince Cruises, Inc.*, 306 F.3d 827, 832-34, 2002 AMC 2270, 2274-76 (9th Cir. 2002) (approving of *Carman Tool*, presenting policy arguments for exercising § 1292(a)(3) jurisdiction "when the district court has upheld the validity of a clause limiting the amount of liability but has not reached the question of whether the defendant was actually liable," and criticizing the Fifth Circuit's decision in *Bucher-Guyer* for "read[ing] § 1292(a)(3) too narrowly").

If we could approach the issue afresh, we would probably agree with the Ninth Circuit. As a practical matter, it is abundantly clear that the district court has determined that Seafood Shack will not bear any real liability for the claimants' injuries. If we were to hear the appeal and affirm the district court's decision to grant limitation, our decision would effectively end the case. The

cost of a trial would far exceed any possible recovery, and both parties would have every incentive to settle. But we are not at liberty to depart from the panel decision in *Evergreen International (USA) Corp. v. Standard Warehouse*, 33 F.3d 420, 1995 AMC 635 (4th Cir. 1994), which adopted an approach consistent with the Fifth Circuit's. We must therefore dismiss the appeal.

III
Conclusion

For the foregoing reasons, the appeal is dismissed.

SOLOMON, Circuit Judge, concurring in the judgment:

Because I cannot agree with either branch of the Court's opinion, I respectfully concur only in the judgment. I agree with the majority that the appeal should be dismissed, but it should be dismissed because this is not properly an admiralty case. I would follow the great weight of authority to hold that the Limitation Act does not provide an independent basis for admiralty jurisdiction. *See, e.g.*, *Guillory v. Outboard Motor Corp.*, 956 F.2d 114, 115, 1993 AMC 605 (5th Cir. 1992) (per curiam); *In re Sisson*, 867 F.2d 341, 348-350, 1989 AMC 609, 621-625 (7th Cir. 1989), *rev'd on other grounds sub nom. Sisson v. Ruby*, 497 U.S. 358, 1990 AMC 1801 (1990).

If this were an admiralty case, I would permit the claimants' appeal under 28 U.S.C. § 1292(a)(3). I agree with the majority's observation that, "[a]s a practical matter, . . . the district court has determined that Seafood Shack will not bear any real liability for the claimants' injuries." But I differ from my colleagues in my reading of *Evergreen International (USA) Corp. v. Standard Warehouse*, 33 F.3d 420, 1995 AMC 635 (4th Cir. 1994). I find that decision readily distinguishable, and believe that it leaves us free to reach a sensible result that is indeed more consistent with the policy goals that motivated the enactment of section 1292(a)(3).

I concur only in the judgment. The appeal should be dismissed because the district court did not have admiralty jurisdiction in this case, thus making 28 U.S.C. § 1292(a)(3) unavailable. And then the district court should dismiss the petition for lack of jurisdiction.

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-2318

In the Matter of the Complaint of Sally's Seafood Shack, Inc., as Owner and Operator of the F/V Flamingo, for Exoneration from or Limitation of Liability

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SALLY'S SEAFOOD SHACK, INC., as Owner and Operator of the F/V Flamingo, for Exoneration from or Limitation of Liability,
Petitioner-Appellee,

v.

FRANCIS & MARY MARION, CHARLES & MARY PINCKNEY, JOHN & ELIZABETH RUTLEDGE, JAMES S. THURMOND, AND ESSIE MAE WASHINGTON-WILLIAMS,
Claimants-Appellants.

Appeal from the United States District Court
for the District of South Carolina, at Charleston
Michele Y. Portia, District Judge.
(6:16-cv-00945-MYP)

June 26, 2018

Before JUSTINIAN, SOLOMON, and HAMMURABI, Circuit Judges

PER CURIAM:

IT IS ORDERED that the petition for rehearing filed in the above entitled and numbered cause be and the same is hereby DENIED.

SOLOMON, Circuit Judge, dissenting:

I would grant the petition for rehearing and set the case for argument en banc. The panel's conclusion that the Limitation Act provides an independent basis for admiralty jurisdiction puts our Court in direct conflict with our sister circuits. *See, e.g.*, *Guillory v. Outboard Motor Corp.*, 956 F.2d 114, 115, 1993 AMC 605 (5th Cir. 1992) (per curiam); *In re Sisson*, 867 F.2d 341, 348-

350, 1989 AMC 609, 621-625 (7th Cir. 1989), *rev'd on other grounds sub nom. Sisson v. Ruby*, 497 U.S. 358, 1990 AMC 1801 (1990). And the panel's conclusion that 28 U.S.C. § 1292(a)(3) does not provide appellate jurisdiction in this context deepens the existing circuit conflict. Our court should address both of these issues en banc.

United States District Court for the District of South Carolina

In the Matter of the Complaint of Sally's Seafood Shack, Inc., as Owner and Operator of the F/V Flamingo, for Exoneration from or Limitation of Liability

No. 6:16-cv-00945-MYP

March 13, 2017

PORTIA, J.:

Petitioner Sally's Seafood Shack, Inc., has petitioned under Supplemental Rule F of the Federal Rules of Civil Procedure to limit its liability pursuant to the Limitation Act, 46 U.S.C. §§ 30501-12, for any liability that it may have incurred in connection with the sinking of its vessel, the *F/V Flamingo*, on July 17, 2015.

Claimants Francis & Mary Marion, Charles & Mary Pinckney, John & Elizabeth Rutledge, James S. Thurmond, and Essie Mae Washington-Williams all allege that they were injured in that incident. In late July and early August, they all filed tort actions against petitioner in state court but those actions were stayed under 46 U.S.C. § 30511(c) when petitioner filed the present action in this Court and complied with 46 U.S.C. § 30511(b)(1). They accordingly filed claims on substantially the same terms in this proceeding.

The Court bifurcated the trial of the present matter, and in Phase One heard evidence regarding petitioner's entitlement to limitation of liability. Issues of liability and damages have been postponed until Phase Two.

For the reasons stated below, the Court now rules that petitioner is entitled to limit its liability pursuant to the Limitation Act.

I. Findings of Fact

The Court makes the following Findings of Fact. To the extent that any of these findings are properly characterized as Conclusions of Law, they shall be so deemed.

1. Petitioner is a South Carolina corporation that until recently operated a floating seafood restaurant known as Sally's Seafood Shack. The restaurant was located in a converted fishing

vessel, the *F/V Flamingo*, which had been indefinitely moored on the banks of the Cooper River in Charleston, South Carolina. The portion of the river in which the *Flamingo* was moored is surrounded by a cofferdam that protected the *Flamingo* to some extent but also ensured that it would be unable reach the main portion of the river even if it were detached from its moorings. The *Flamingo* was thus "what has colorfully been described as a 'boat in a moat.' "[1]

2. On Friday evening, July 17, 2015, an explosion in the galley of the *Flamingo* ripped a hole in the hull beneath the waterline and the vessel quickly sank at its anchorage in twelve feet of water.

3. John Calhoun worked primarily in the galley where he was responsible for washing dishes, cleaning the space, and assisting the chef as needed, but he was not in the galley at the time of the explosion.

4. Eight people, claimants in this action, were injured in the incident. Francis & Mary Marion were having dinner at one table in the dining room. Two couples — Charles & Mary Pinckney and John & Elizabeth Rutledge — were having dinner together at a second table. And at a third table, James S. Thurmond was dining with his daughter, Essie Mae Washington-Williams.

5. Petitioner purchased the *Flamingo* and converted it to a restaurant in 2008. For the previous twenty years, the prior owner had operated it as a fishing vessel. During that time, it made hundreds of ocean voyages in the North Atlantic pursuing its catch.

6. The "value of the vessel and pending freight" for purposes of 46 U.S.C. § 30505(a) is less than $1,000.00. The Court need not calculate a more precise value because petitioner has agreed to make that sum available to pay claims, and has deposited that sum with the Court under 46 U.S.C. § 30511(b)(1)(A).

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[1] David W. Robertson and Michael F. Sturley, *Vessel Status in Maritime Law: Does* Lozman *Set a New Course?*, 44 J. MAR. L. & COM. 393, 475 (2013).

II. Conclusions of Law

The Court reaches the following Conclusions of Law. To the extent that any of these conclusions are properly characterized as Findings of Fact, they shall be so deemed.

1. The Court does not have admiralty jurisdiction over this matter under the general principles for admiralty tort jurisdiction established by the Supreme Court in *Jerome B. Grubart, Inc. v. Great Lakes Dredge & Dock Co.*, 513 U.S. 527, 1995 AMC 913 (1995). Because the *F/V Flamingo*'s berth was surrounded by a cofferdam, that portion of the river did not constitute "navigable waters" for purposes of establishing admiralty jurisdiction. Those waters were not "used, or . . . susceptible of being used, in their ordinary condition, as highways for [interstate or foreign] commerce." *The Daniel Ball*, 77 U.S. (10 Wall.) 557, 563, 2000 AMC 2106, 2109 (1870). The case therefore fails *Grubart*'s "location" test. *See* 513 U.S. at 534, 1995 AMC at 918.

2. The case also fails *Grubart*'s "potential to disrupt maritime commerce" test. *See* 513 U.S. at 538-539, 1995 AMC at 921-922. Because the *Flamingo* was docked behind a cofferdam, the sinking could have no impact on any commerce outside the cofferdam — and no maritime commerce could take place inside the cofferdam.

3. Finally, the case also fails *Grubart*'s "significant relationship to traditional maritime activity" test. *See* 513 U.S. at 539-543, 1995 AMC at 922-925. Operating a restaurant, even on a vessel, is not a "traditional maritime activity." Petitioner operated its business in pretty much the same way that any other seafood restaurant would operate. Although the bulk of the activity took place aboard a vessel, that vessel was not engaged in maritime commerce. At all relevant times, it was indefinitely moored to the shore.

4. The Court has jurisdiction over this matter under the Limitation Act, 46 U.S.C. §§ 30501-12. Although the matter is not entirely free from doubt, the Court concludes that the Limitation Act provides an independent basis for admiralty jurisdiction. The statute itself does not address jurisdiction, and the Supreme Court explicitly left the question unanswered in *Sisson v. Ruby*, 497 U.S. 358, 359 n.1, 1990 AMC 1801, 1802 n.1 (1990). But the Court concludes that

recognizing jurisdiction here is more consistent with Supreme Court precedent and with first principles.

5. As a preliminary matter, it is illogical to address the issue in the context of the specific facts of the present case — or even through the lens of tort jurisdiction. In deciding whether the Limitation Act provides an independent basis for admiralty jurisdiction, the Court must consider the issue in the abstract; addressing the question in the context of the facts of a specific case is to assume the answer. The Court would recognize its admiralty jurisdiction over a salvage case simply because salvage has long been recognized as a maritime subject; it would not ask whether the particular act of salvage satisfied the *Grubart* criteria. *See generally, e.g.*, *Houseman v. Cargo of the Schooner North Carolina*, 40 U.S. (15 Pet.) 40, 48 (1841) ("Upon [salvage] questions, there can be no doubt of the jurisdiction of a Court of Admiralty; nor of its authority to proceed in rem, and attach the property detained. The Admiralty is the only Court where such a question can be tried; for what other Court, but a Court of Admiralty, has jurisdiction to try a question of salvage?"); *Mason v. Ship Blaireau*, 6 U.S. (2 Cranch) 240, 264, 2002 AMC 1190, 1208-09 (1804) (discussing jurisdiction over a suit between foreigners but asserting jurisdiction over a salvage case without question). Similarly, the Court here must consider whether limitation is a sufficiently maritime subject. And since the category of claims subject to limitation is broader than tort claims, *see* 46 U.S.C. § 30505(b), the Court sees no reason to address the issue through the lens of tort jurisdiction.

6. The Court is persuaded that the Limitation Act has a " 'genuinely salty flavor.' " *Norfolk Southern Railway Co. v. James N. Kirby, Pty Ltd.*, 543 U.S. 14, 22, 2004 AMC 2705, 2710 (2004) (quoting *Kossick v. United Fruit Co.*, 365 U.S. 731, 742, 1961 AMC 833, 842 (1961)). The fact that it applies only to "seagoing vessels and vessels used on lakes or rivers or in inland navigation," 46 U.S.C. § 30502, already suggests that limitation is a sufficiently maritime subject. The legislative history of the Act confirms that Congress viewed the Act as a maritime statute. Even if an unusual case (such as this one) brings a non-maritime matter into a limitation proceeding, the

overwhelming majority of claims will be maritime and thus it makes sense to extend admiralty jurisdiction to all limitation proceedings.

7. Although the Supreme Court has not expressly ruled on the issue here, its decisions support the conclusion that the Limitation Act provides an independent basis for admiralty jurisdiction. In *Richardson v. Harmon*, 222 U.S. 96, 2001 AMC 1207 (1911), the vessel owner sought to limit liability for what was then a non-maritime tort.[2] The district court dismissed the limitation petition for want of admiralty jurisdiction, but the Supreme Court reversed. It held that the Limitation Act gave the district court sitting in admiralty the jurisdiction to determine a non-maritime tort claim as part of the limitation proceeding. That decision is on all fours with the situation here.

8. Having decided that the Limitation Act provides an independent basis for admiralty jurisdiction, the Court must still determine whether the Act applies on the facts here. The key issue is whether the *Flamingo* is (or at the time of the incident was) a "seagoing vessel[]," or a "vessel[] used on lakes or rivers or in inland navigation." 46 U.S.C. § 30502. It is undisputed that before its conversion to a restaurant the *Flamingo* was a seagoing vessel, but claimants argue that it lost its vessel status when it was permanently moored to the shore in order to become a restaurant. In *Lozman v. City of Riviera Beach*, 568 U.S. 115, 128, 2013 AMC 1, 11 (2013), however, the Supreme Court explicitly rejected the argument that the owner's subjective intent not to sail again was relevant to vessel status. The proper test for vessel status here is whether "a reasonable observer, looking to the [*Flamingo*'s] physical characteristics and activities, would . . . consider it to be designed to any practical degree for carrying people or things on water." *Id*. at 118, 2013 AMC at 2. The Court has no doubt that the *Flamingo* satisfies that test.

9. The final disputed issue is whether petitioner is entitled to claim limitation on these facts in view of the cause of the accident. After hearing all of the evidence at the Phase One trial, the Court concludes that the explosion that sank the *Flamingo* was caused solely by the negligence of

[2] The Admiralty Extension Act, 46 U.S.C. § 30101, would make the tort at issue in *Richardson* subject to admiralty jurisdiction under current law.

John Calhoun. He had been instructed to light the gas range. He accordingly turned on the gas and was about to light the flame. At that point, he received a telephone call on his mobile phone and was so distracted that he forgot to complete his task. He stepped out of the galley to take the call, and while he was talking the gas accumulated in the galley until something — most likely the pilot light on the other range — triggered the explosion.

10. Mr. Calhoun was adequately trained in how to properly light the gas range, and the vessel was adequately equipped to enable him to carry out the task. He, and he alone, was simply negligent. No "design or neglect of the owner," 46 U.S.C. § 30504, nor any "privity or knowledge of the owner," *id*. § 30505(b), was in any way responsible for the incident. Petitioner is accordingly entitled to limit its liability.

III. Conclusion

The petition to limit liability is *granted*.

It is so ordered.

Selected Chronology of the Case[*]

July 17, 2015	The *F/V Flamingo* sinks at its anchorage; eight people injured
Jul.-Aug. 2015	Francis & Mary Marion, Charles & Mary Pinckney, John & Elizabeth Rutledge, James S. Thurmond, and Essie Mae Washington-Williams ("claimants") file various tort actions against Sally's Seafood Shack, Inc., in state court
Nov. 5, 2015	Sally's Seafood Shack, Inc., files petition in federal district court to limit its liability pursuant to the Limitation Act, 46 U.S.C. §§ 30501-12
Nov. 2015	Claimants file claims in limitation proceeding that mirror their state-court tort actions against Sally's Seafood Shack
Nov. 14-17, 2016	District court holds Phase One trials on entitlement to limitation
Mar. 13, 2017	District court limits Sally's Seafood Shack's liability with an opinion reported as *In re Sally's Seafood Shack, Inc.*, 243 F. Supp. 3d 702 (D.S.C. 2017)
Mar. 22, 2017	Claimants file notice of appeal
Mar. 1, 2018	Oral argument in the court of appeals
May 7, 2018	Court of appeals opinion (reported as *In re Sally's Seafood Shack, Inc.*, 890 F.3d 1384, 2018 AMC 3333 (4th Cir. 2018)) filed and judgment entered
May 14, 2018	Claimants file petition for rehearing
June 26, 2018	Court of appeals denies claimants' petition for rehearing
Sept. 4, 2018	Claimants file petition for certiorari presenting two issues: (1) whether the Limitation Act, 46 U.S.C. §§ 30501-12, provides an independent basis for admiralty jurisdiction, and (2) whether the court of appeals had appellate jurisdiction under 28 U.S.C. § 1292(a)(3)
Dec. 3, 2018	Supreme Court grants claimants' petition for certiorari

[*] This information is included in the packet for the information of Competition participants. Unlike the preceding pages, it should not be considered part of the APPENDIX TO THE PETITION FOR CERTIORARI filed with the Court.