

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN THE MATTER OF THE COMPLAINT :
 OF JAMES S. ROBINSON AND ANNELLA :
 ROBINSON, AS OWNERS OF A 1987 :
 ALBIN 34 FOOT VESSEL, :
 HIN AUL34121H687, FOR EXONERATION :
 FROM OR LIMITATION OF LIABILITY :
 :
 v. : CIVIL NO. CCB-10-1344
 :
 BERT JABIN’S YACHT YARD, INC. :
 :
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MEMORANDUM

The motion to dismiss filed by Bert Jabin’s Yacht Yard (“BJYY”) has been fully briefed and reviewed by the court. It is clear from the record that the document faxed to Travelers Insurance Company on November 2, 2010 constituted a written notice of an actual claim for damages exceeding the salvage value of the vessel and was understood by Travelers to be such a claim. *See Salty Sons Sports Fishing, Inc.*, 191 F. Supp.2d 631, 634 (D.Md. 2002). While Chris Harrell of Travelers disputes having accepted liability for damages, there is no dispute about the phone call of October 26, 2009 or that the fax of November 2, 2009 itemizing specific damages was received following up that phone call; that the vessel was a total loss; that a counter-proposal for repair costs was made on December 23, 2009; and, most significantly, that on December 29, 2009 Travelers sent a letter to BJYY referring to “[o]ur investigation of your liability claim” and then denying that “claim.” Reply Mem. at Ex. R-2.¹ For Travelers now to assert that no claim was made until the letter of January 4, 2010 is not supported by the record.

¹ Travelers even stated “Having received notice of your claim we are required by Maryland law to advise you. . .” Reply Mem. Ex. R-2.

Accordingly, the motion to dismiss will be granted by separate Order.

December 22, 2010
Date

/s/
Catherine C. Blake
United States District Judge