

United States District Court
Southern District of Texas

ENTERED

April 04, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

IN RE: IN THE MATTER OF THE	§	
COMPLAINT OF MAERSK TANKERS,	§	
AS OWNER AND OPERATOR OF THE	§	
M/T CARLA MAERSK, FOR	§	
EXONERATION FROM OR	§	
LIMITATION OF LIABILITY, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 3:15-CV-106
	§	
HOUSTON PILOTS, <i>et al</i> ,	§	
	§	
Defendants.	§	

ORDER ADOPTING MAGISTRATE’S AMENDED REPORT AND RECOMMENDATION

Pending before the Court is the Amended Report and Recommendation of United States Magistrate Judge John Froeschner. On May 12, 2015, this case was referred to Judge Froeschner pursuant to 28 U.S.C. § 636(b)(1)(B). Dkt. 6. Pending before Judge Froeschner was Claimant and Counter-Defendant Capt. George C. Reeser, Jr.’s (“Reeser”) Motion for Judgment on the Pleadings. Dkt. 269.¹ On February 13, 2017, Judge Froeschner filed an Amended Report and Recommendation recommending that the Motion is granted to the extent, if any, that Maersk Tankers AS (“Maersk”) presently

¹ This Motion was converted to a Motion for Summary Judgment. Dkt. 294.

alleges a claim against Reeser in excess of \$1,000.00 and that any such claim be dismissed without exemption of any liability of the Conti parties. Dkt. 297.²

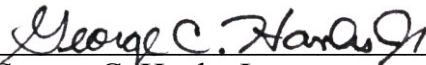
No objections have been filed to the Report and Recommendation. Accordingly, the Court reviews the Report and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also*, FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby

ORDERED AND ADJUDGED that:

- (1) Judge Froeschner Amended Report and Recommendation is **APPROVED AND ADOPTED** in its entirety as the holding of the Court;
- (2) The Claimant/Counter-Defendant's Motion for Summary Judgment is **GRANTED as follows:** Maersk's counterclaim against Reeser for negligence is dismissed without exemption of any liability of the Conti parties to the extent, if any, that the claim is in excess of \$1,000.00. Maersk's counterclaim is subject to a \$1,000.00 limitation pursuant to Rule 66.083 of the Texas Transportation Code.

SIGNED at Galveston, Texas, this 3rd day of April, 2017.



George C. Hanks Jr.
United States District Judge

² The Amended Report and Recommendation (Dkt. 297) was entered to correct a clerical error in the original Report and Recommendation (Dkt. 296). The original Report and Recommendation was accordingly rescinded by a subsequent order. Dkt. 298.