

Verdicts & Settlements

RESULT DATE: Aug. 5, 2008

Pacific Adventure Cruises Inc. v. Sea Planes Inc. (BC352947)

Hon. David L. Minning

L.A. Superior Central

MARITIME LAW

Unfair Business Practices

Unfair Competition

VERDICT: Defense

ATTORNEYS:

Plaintiff - James H. Goudge (Dennison Bennett & Press, LLP, Woodland Hills).

Defendant - Neil S. Lerner (Sands Lerner, Los Angeles).

TECHNICAL EXPERTS:

Plaintiff - William Schulte, public utilities, San Francisco.

FACTS: Plaintiff and defendant both operate commercial maritime vessels between Marina del Rey and Catalina. In 2005, defendant Sea Planes carried passengers from the Westside YMCA and Cub Scout Pack 333 between Marina del Rey and Catalina. In April 2006, Sea Planes carried passengers from Huntington Middle School between Marina del Rey and Catalina.

PLAINTIFF'S CONTENTIONS: The plaintiff contended that Sea Planes, by carrying passengers from the Westside YMCA and Cub Scout Pack 333 in the fall of 2005, negligently and intentionally interfered with plaintiff's prospective economic advantage with those groups by not having the proper licensing from the PUC and that Sea Planes acted with malice. The plaintiff also contended that Sea Planes breached a contract it had with plaintiff by taking passengers from Huntington Middle School in April 2006.

DEFENDANT'S CONTENTIONS: Defendant Sea Planes contended that it had all of the necessary PUC authority to make the trips in 2005 for Westside YMCA and Cub Scout Pack 333. Defendant further claimed that plaintiff had no economic relationship with those groups and no reasonable or probable expectation of receiving their business. Sea Planes also contended that plaintiff did not complete performance as required by

contract terms, thus, Sea Planes was under no contractual obligation during the April 2006 trips involving students from Huntington Middle School.

DAMAGES: The plaintiff alleged lost profits and sought punitive damages.

JURY TRIAL: Length, 7.5 days; Poll, 12-0 (all issues); Deliberation, 2.75 hours

RESULT: Defense verdict on each of the five causes of action for breach of contract, intentional and negligent interference with prospective economic advantage. No punitive damages were awarded.

OTHER INFORMATION: Two other named defendants settled with plaintiff prior to trial.

FILING DATE: May 26, 2006.