

NO. 11-948

In The  
Supreme Court of the United States

---

TITAN MARITIME, LLC, dba TITAN SALVAGE, A CROWLEY  
COMPANY,

*Petitioner,*

vs.

CAPE FLATTERY LIMITED,

*Respondent.*

---

On Petition for Writ of Certiorari  
To the United States Court of Appeals  
For The Ninth Circuit

---

RESPONDENT CAPE FLATTERY LIMITED'S OBJECTION TO  
MOTION FOR LEAVE TO FILE AND BRIEF OF THE  
AMERICAN SALVAGE ASSOCIATION AND THE  
INTERNATIONAL SALVAGE UNION AS *AMICI CURIAE* IN  
SUPPORT OF PETITIONER

---

EUGENE J. O'CONNOR  
Chalos O'Connor LLP  
366 Main Street  
Port Washington, New York 11050

NENAD KREK  
*Counsel of Record*  
STEVEN M. EGDESDAL  
Carlsmith Ball LLP  
ASB Tower, Suite 2200  
1001 Bishop Street  
Honolulu, Hawaii 96813  
(808) 523-2500  
[nkrek@carlsmith.com](mailto:nkrek@carlsmith.com)

Counsel for Respondent

## **CERTIFICATE OF INTEREST**

Respondent CAPE FLATTERY LIMITED is a Hong Kong corporation, and no publicly held corporation owns ten percent (10%) or more of its stock; however, Pacific Basin Shipping Limited, a Bermuda corporation publicly-listed on the Hong Kong Stock Exchange, indirectly owns 100% of CAPE FLATTERY LIMITED.

**RESPONDENT CAPE FLATTERY LIMITED’S OBJECTION TO  
MOTION FOR LEAVE TO FILE AND BRIEF OF THE  
AMERICAN SALVAGE ASSOCIATION AND  
THE INTERNATIONAL SALVAGE UNION AS  
AMICI CURIAE IN SUPPORT OF PETITIONER**

The proposed *amicus curiae* Brief (the “Proposed Brief”) fails to meet the standards of Rule 37.1 of the Rules of the Supreme Court. The Proposed Brief largely repeats and paraphrases the Petitioner’s argument. This is not surprising because the American Salvage Association (“ASA”) and the International Salvage Union (“ISU”) are essentially *alter egos* of Titan.

Titan and its parent company Crowley Maritime Corporation are members of both the ASA and the ISU.<sup>1</sup> In fact, Mauricio Garrido, who until 2008 was Titan’s Director of Business Development, served as the ASA’s Vice President from 2007-2009 and as President from 2009 until October 7, 2011.<sup>2</sup> In addition, Titan’s Vice President Dan Schwall

---

<sup>1</sup> *E.g.*, American Salvage Association, *Members*, <http://www.americansalvage.org/members.php> (last visited Mar. 5, 2012); International Salvage Union, *Members*, <http://www.marine-salvage.com/members/> (last visited Mar. 5, 2012).

<sup>2</sup> *See, e.g.*, American Salvage Association, *American Salvage Association News Release: American Salvage Association Announces New Leaders for 2011-2013* (Oct. 7, 2011), [http://www.americansalvage.org/press-releases/2011/ASA\\_New-Leaders.pdf](http://www.americansalvage.org/press-releases/2011/ASA_New-Leaders.pdf) (“ASA News Release”); *American Salvage Association Announces New Leaders for 2011-2013*, The Maritime Executive (Oct. 7, 2011), <http://www.maritime-executive.com/pressrelease/american-salvage-association-announces-new-leaders-for-2011-2013> (“ASA New Leaders”); Crowley, *Titan Salvage’s Mauricio Garrido Elected Vice President of the American Salvage Association* (Oct. 19, 2007), <http://www.crowley.com/News-and-Media/Press-Releases/Titan-Salvage-s->

currently sits on the ASA Executive Committee.<sup>3</sup> The same holds true for Robert Umbdenstock, who worked for Titan on the 2005 salvage of the CAPE FLATTERY in Hawaii that is the subject of this case.<sup>4</sup> It is anticipated that all three of these gentlemen will be witnesses in this case.

Regarding the ISU, there are similar close connections with Titan. Mark Hoddinott, Titan's global director, accepted the position of general manager for the ISU in February 2012 and will begin working for ISU in April 2012.<sup>5</sup> Hoddinott will be responsible for the "day-to-day running of the ISU and its work on relevant issues."<sup>6</sup> Hoddinott had previously represented Titan on the ISU's Lloyd's Open Form Sub-Committee.<sup>7</sup> Todd Busch, Senior Vice President and General Manager of Technical Services for Crowley Maritime Corporation was elected

---

Mauricio-Garrido-Elected-Vice-President-of-the-American-Salvage-Association; *Mauricio M. Garrido, President: American Salvage Association*, The Maritime Professional, <http://www.maritimeprofessional.com/Interviews/Mauricio-M-Garrido.aspx> (last visited Mar. 5, 2012).

<sup>3</sup> See, e.g., ASA News Release; ASA New Leaders.

<sup>4</sup> See, e.g., ASA News Release; ASA New Leaders.

<sup>5</sup> Crowley, *TITAN Salvage's Mark Hoddinott Accepts Position as General Manager at ISU* (Feb. 10, 2012), <http://www.crowley.com/News-and-Media/Press-Releases/TITAN-Salvage-s-Mark-Hoddinott-Accepts-Position-as-General-Manager-at-ISU>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

President of the ISU in September of 2009.<sup>8</sup> Busch had been named vice president of Titan in October 2005.<sup>9</sup>

Respectfully submitted,

EUGENE J. O'CONNOR  
Chalos O'Connor LLP  
366 Main Street  
Port Washington, New York 11050



---

NENAD KREK  
*Counsel of Record*  
STEVEN M. EGDESDAL  
Carlsmith Ball LLP  
ASB Tower, Suite 2200  
1001 Bishop Street  
Honolulu, Hawaii 96813  
(808) 523-2500  
[nkrek@carlsmith.com](mailto:nkrek@carlsmith.com)

Counsel for Respondent

---

<sup>8</sup> Crowley, *Crowley's Todd Busch Elected President of the International Salvage Union* (Sept. 28, 2009), <http://www.crowley.com/News-and-Media/Press-Releases/Crowley-s-Todd-Busch-Elected-President-of-the-International-Salvage-Union>.

<sup>9</sup> *Id.*

NO. 11-948

**In The  
Supreme Court of the United States**

---

TITAN MARITIME, LLC, dba TITAN SALVAGE, A CROWLEY  
COMPANY,

*Petitioner,*

vs.

CAPE FLATTERY LIMITED,

*Respondent.*

---

**On Petition for Writ of Certiorari  
To the United States Court of Appeals  
For The Ninth Circuit**

---

**CERTIFICATE OF SERVICE RE RESPONDENT CAPE  
FLATTERY LIMITED'S OBJECTION TO MOTION FOR LEAVE  
TO FILE AND BRIEF OF THE AMERICAN SALVAGE  
ASSOCIATION AND THE INTERNATIONAL SALVAGE UNION  
AS *AMICI CURIAE* IN SUPPORT OF PETITIONER**

---

EUGENE J. O'CONNOR  
Chalos O'Connor LLP  
366 Main Street  
Port Washington, New York 11050

NENAD KREK  
*Counsel of Record*  
STEVEN M. EGDESDAL  
CARLSMITH BALL LLP  
ASB Tower, Suite 2200  
1001 Bishop Street  
Honolulu, Hawaii 96813  
(808) 523-2500  
[nkrek@carlsmith.com](mailto:nkrek@carlsmith.com)

Counsel for Respondent

**CERTIFICATE OF SERVICE RE RESPONDENT CAPE  
FLATTERY LIMITED'S OBJECTION TO MOTION FOR LEAVE  
TO FILE AND BRIEF OF THE AMERICAN SALVAGE  
ASSOCIATION AND THE INTERNATIONAL SALVAGE UNION  
AS AMICI CURIAE IN SUPPORT OF PETITIONER**

The undersigned hereby certifies that one (1) true and correct copy of RESPONDENT CAPE FLATTERY LIMITED'S RESPONDENT CAPE FLATTERY LIMITED'S OBJECTION TO MOTION FOR LEAVE TO FILE AND BRIEF OF THE AMERICAN SALVAGE ASSOCIATION AND THE INTERNATIONAL SALVAGE UNION AS *AMICI CURIAE* IN SUPPORT OF PETITIONER was duly served on the following parties by U.S. Mail, postage prepaid, on March 6, 2012.

JAMES W. CARBIN  
*Counsel of Record*  
ROBERT L. BYER  
Duane Morris LLP  
1540 Broadway  
New York, NY 10036-4086  
[jwcarbin@duanemorris.com](mailto:jwcarbin@duanemorris.com)

Counsel for Petitioner, Titan Maritime, LLC, dba  
Titan Salvage, a Crowley Company

WILLIAM D. COSTON  
Principal Counsel  
Venable LLP  
575 7th Street, NW  
Washington D.C. 20004  
Telephone No. (202) 344-4000

Counsel for Amici Curiae, California Bankers  
Association, American Financial Services  
Association, and Consumer Mortgage Coalition

JAMES G. BLAIN, II  
JAMES M. MCGRAW  
Looper Reed & McGraw, P.C.  
1300 Post Oak Blvd., Suite 2000  
Houston, Texas 77056  
Telephone No. (713) 966-7000  
Telefax: (713) 986-7100  
[jblain@lrmlaw.com](mailto:jblain@lrmlaw.com)

Counsel for Amici Curiae, Law Professors

ALEX BLANTON  
JONATHAN K. WALDRON  
JOHN W. KIMBALL  
Blank Rome LLP  
600 New Hampshire Ave., N.W.  
Washington, DC 20037  
(202) 772-5800  
[blanton@blankrome.com](mailto:blanton@blankrome.com)

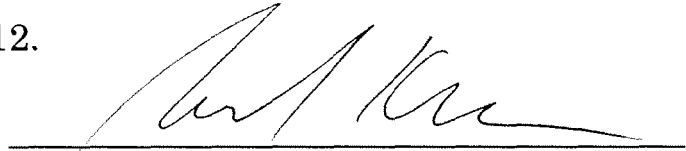
Counsel for Amici Curiae, The American Salvage  
Association and the International Salvage Union

SAMUEL ROSENTHAL  
JOHN L. OBERDORFER  
ANDREW ZIMMITTI  
KRISTEN M. JARVIS JOHNSON  
Patton Boggs LLP  
2550 M. Street, N.W.  
Washington, DC 20037  
(202) 457-600  
[Joberdofer@PattonBoggs.com](mailto:Joberdofer@PattonBoggs.com)

Counsel for Amicus Curiae, Chicago  
International Dispute Resolution Association

DATED: March 6, 2012.

EUGENE J. O'CONNOR  
Chalos O'Connor LLP  
366 Main Street  
Port Washington, New York 11050



NENAD KREK  
*Counsel of Record*  
STEVEN M. EGDESDAL  
CARLSMITH BALL LLP  
ASB Tower, Suite 2200  
1001 Bishop Street  
Honolulu, Hawaii 96813  
(808) 523-2500  
[nkrek@carlsmith.com](mailto:nkrek@carlsmith.com)

Counsel for Respondent