

SOUTH CAROLINA LAWYERS WEEKLY

SEPTEMBER 30, 2013 | VOL. 13, NO. 6 | SCLAWYERSWEEKLY.COM | \$8.00 PER COPY

Fisherman injured in boat crash collects \$735K

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**John
Clark**



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Jennings**

Sylvester Morton was fishing from his small jon boat in the Cooper River last winter when a 31-foot center-console Wellcraft mowed him down, resulting in a helicopter ride to the hospital and a lawsuit that has been settled for \$735,000.

The driver of the bigger boat, Jansson Wilkerson, had claimed that he was blinded by the sun and unable to see Morton before the crash, according to one of Morton's attorneys, David B. Yarborough Jr. of Yarborough Applegate in Charleston.

Wilkerson had borrowed the Wellcraft from a friend who used the vessel for an offshore charter fishing company insured by Chartis. The insurer had at first tried to cap its liability at the value of the Wellcraft, which was about \$51,000, by filing a federal action under the Shipowners' Limitation of Liability Act, Yarborough said.

He added that the statute dates

back to the 1800s and was enacted to protect vessel owners from liability claims in the times before insurance became commonplace. But he and his co-counsel, John D. Clark, co-founder of an eponymous firm in Sumter, were able to sidestep the federal act because the boat was not being operated by its owner.

Proving damages presented another challenge, though, because Morton had a relatively extensive history of neck and back ailments. In fact, he was recovering from a car accident that left him with neck problems when the boat crash occurred, Clark said.

However, Morton sustained relatively serious injuries during the

incident on the river and had to be airlifted to the Medical University of South Carolina, where he spent time in intensive care being treated for a bruised lung and broken ribs, among other things, said Clark and Yarborough.

Following the filing of Morton's suit and an unsuccessful mediation session, Chartis came back to the table in late July and both sides agreed to settle for \$735,000 of the \$1 million policy on the boat that Wilkerson crashed.

The defense attorney, James Edward Brogdon III of Gallivan, White & Boyd in Columbia, had asked for additional time to comment when first contacted for an interview. He did not respond to subsequent contacts.

SETTLEMENT REPORT

ADMIRALTY – NEGLIGENCE

Case name: *Sylvester Morton v. Jansson C. Wilkerson*

Case number: 2:12-cv-02145-RMG

Court: U.S. District Court, Charleston

Date of settlement: July 30

Amount: \$735,000

Special damages: \$191,000 past medical bills

Attorneys for plaintiff: David B. Yarborough Jr. and Douglas E. Jennings (Charleston) and John D. Clark (Sumter)

Attorney for defendants: James E. Brogdon III (Columbia)