

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Atalco Gramercy, LLC v. Gnots-Reserve, Inc. & M/V Burwood Wise

Atalco Gramercy · No. 23-7195 · Decided April 10, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana denied third-party defendants’ motion for summary judgment in an admiralty action arising from an allision involving a tug, crane barge, and dock. The court held that the dominant mind doctrine did not bar claims based on an alleged independent design defect and found that competing expert opinions created genuine disputes of material fact regarding the barge’s fendering system. The court also declined to resolve at summary judgment whether the tug captain’s knowledge of the fendering system negated or reduced potential fault.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	William J. Crain
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	April 10, 2026
DOCKET	23-7195
DISPOSITION	other
PROCEDURAL POSTURE	Third-party defendants Associated Marine Equipment, LLC and Associated Terminals Pangea Logistics, LLC moved for summary judgment on claims arising from a maritime allision. The motion was denied.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The record is viewed in the light most favorable to the nonmoving parties, with reasonable inferences drawn in their favor. Where the nonmovant bears the trial burden, the movant may point to an absence of evidence, after which the nonmovant must present competent evidence showing a genuine dispute of material fact.
PRECEDENTIAL VALUE	Unpublished federal district court order; persuasive authority only

TOPICS

summary judgment

admiralty

negligence

unseaworthiness

civil procedure

PRACTICE AREAS

admiralty

maritime torts

civil procedure

summary judgment

commercial litigation

QUESTIONS PRESENTED

1. Whether the dominant mind doctrine barred Gnots's negligent-design claim because Associated lacked operational control over the tug-and-tow operation.
2. Whether competing expert opinions concerning the design and adequacy of the ALEX G's fendering system created a genuine dispute of material fact precluding summary judgment.
3. Whether the tug captain's knowledge of the fendering system conclusively negated fault attributable to Associated for the alleged design defect.

HOLDINGS

1. The dominant mind doctrine did not warrant summary judgment on Gnots's negligent-design claim because the claim alleged a design defect independent of Gnots's navigational decisions and the doctrine does not extinguish a barge owner's independent duty to tender a seaworthy vessel.
2. Summary judgment was improper because competing expert opinions concerning the adequacy of the ALEX G's fender design created genuine disputes of material fact.
3. The tug captain's knowledge that the tires were fixed to the barge with a pipe did not conclusively negate Associated's potential fault at the summary-judgment stage.

KEY QUOTATIONS

“Summary judgment is appropriate where “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”” (Section II)

FACTUAL BACKGROUND

On December 7, 2022, the tug M/V Burwood Wise was maneuvering the crane barge ALEX G at Atalco's docking facility when the barge contacted a dock and caused property damage. An employee of Gnots-Reserve was operating the tug. Gnots alleged that Associated was at fault, including because the ALEX G's fendering system was negligently designed. The parties presented conflicting expert opinions concerning whether the tire-fender system was defective and whether it could hook the dock rather than deflect contact.

PROCEDURAL HISTORY

Atalco sued Gnots-Reserve for property damage caused when the crane barge ALEX G contacted Atalco's dock during a tug-and-tow maneuver. Gnots filed a third-party demand against Associated, alleging that Associated was at fault. Associated moved for summary judgment, but Atalco's claims against Associated were resolved before the ruling, leaving Gnots's third-party claims at issue. The district court denied the motion because

competing expert opinions created genuine disputes concerning the barge's fender design and because the dominant mind doctrine did not eliminate an independent vessel-design or seaworthiness duty.

DISPOSITION

other

CASES CITED

- *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 322, 325 (1986)
- *Moody v. Jefferson Parish Sch. Bd.*, 2 F.3d 604, 606 (5th Cir. 1993)
- *In re Cooper/T. Smith*, 929 F.2d 1073, 1077 (5th Cir. 1991)
- *Lloyd's Leasing Ltd. v. Conoco*, 868 F.2d 1447, 1449 (5th Cir. 1989)
- *Consol. Aluminum Corp. v. C.F. Bean Corp.*, 833 F.2d 65, 67 (5th Cir. 1987)
- *Plains Pipeline, L.P. v. Great Lakes Dredge & Dock Co.*, 54 F. Supp. 3d 586, 589 (E.D. La. 2014)
- *Cont'l Ins. Co. v. L&L Marine Trans., Inc.*, 882 F.3d 566, 574 (5th Cir. 2018)
- *Duplantis v. Shell Offshore, Inc.*, 948 F.2d 187, 190 (5th Cir. 1991)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986)

OPINION

Atalco Gramercy, LLC v. Gnots-Reserve, Inc. & M/V Burwood Wise

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

ATALCO GRAMERCY, LLC CIVIL ACTION

V. NO. 23-7195

GNOTS-RESERVE, INC. & SECTION: C (3)

M/V BURWOOD WISE

ORDER & REASONS

Before the Court is a Motion for Summary Judgment (R. Doc. 73) filed by third-party defendants, Associated Marine Equipment, LLC and Associated Terminals Pangea Logistics, LLC's ("Associated"). The motion is DENIED.

I. BACKGROUND

This matter arises from an allision on December 7, 2022 while the tug M/V BURRWOOD WISE was maneuvering a crane barge, the ALEX G, at a docking facility owned by Atalco.¹ During the maneuver, the ALEX G made contact with a dock.² An employee of defendant, Gnots Reserve, Inc. was operating the tug. Atalco brought this action against Gnots seeking recovery for the resulting property damage.³ Gnots third-partied Associated alleging fault for the allision.

Associated moved for summary judgment dismissing all claims against it.⁴ However, the court is informed that Atalco's claims against Associated have been resolved, making the motion moot as to them. The remaining claims relate to Gnots third party demand which essentially asserts fault on the part of Associated. Associated argues: (1) it cannot be liable to Gnots under the dominant mind doctrine because it had no operational control over the ALEX G at the time of the 1 See R. Doc. 73-1; R. Doc. 82-2; R. Doc. 84-1. 2 See R. Doc. 73-1; R. Doc. 82-2; R. Doc. 84-1. 3 R. Doc. 1. 4 R. Doc. 73. allision; (2) Gnots cannot establish the fendering system of the ALEX G was negligently designed; and (3) Atalco's contractual indemnity claim fails because Associated was not performing "services" under the stevedoring agreement at the time of the allision.⁵

II. LEGAL STANDARD

Summary judgment is appropriate where "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). The Court must view the record in the light most favorable to the non-moving parties and draw all reasonable inferences in their favor. *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587

(1986). Conclusory allegations, speculation, and unsubstantiated assertions do not create a genuine issue for trial. *Celotex Corp. v. Catrett*, 477 U.S. 317, 325 (1986). Where the non-movant bears the burden of proof at trial, the movant may satisfy its summary judgment burden by pointing to the absence of evidence supporting the non-movant's case, shifting the burden to the non-movant to present competent summary judgment proof demonstrating a genuine dispute of material fact. *Id.* at 322; see also *Moody v. Jefferson Parish Sch. Bd.*, 2 F.3d 604, 606 (5th Cir. 1993). Under general maritime law, a negligence claim requires proof of (1) a duty owed; (2) breach of that duty; (3) causation; and (4) damages. *In re Cooper/T. Smith*, 929 F.2d 1073, 1077 (5th Cir. 1991); *Lloyd's Leasing Ltd. v. Conoco*, 868 F.2d 1447, 1449 (5th Cir. 1989). The standard of care in admiralty is one of ordinary care under the circumstances, informed by statutes, regulations, maritime custom, and general negligence principles. *Consol. Aluminum Corp. v. C.F. Bean Corp.*, 833 F.2d 65, 67 (5th Cir. 1987).

⁵ *Id.* at 6–13.

III. ANALYSIS

A. Gnots' Negligent Design Claim Associated invokes the dominant mind doctrine, which provides that only the vessel in control of a tug-and-tow operation is liable, even if the entire tow causes the alleged damage. *Plains Pipeline, L.P. v. Great Lakes Dredge & Dock Co.*, 54 F. Supp. 3d 586, 589 (E.D. La. 2014). The doctrine is a fault-allocation tool for navigational incidents. *Cont'l Ins. Co. v. L&L Marine Trans., Inc.*, 882 F.3d 566, 574 (5th Cir. 2018). It does not extinguish the duty a barge owner owes to tender a seaworthy vessel. See 2 Thomas J. Schoenbaum, *Admiralty and Maritime Law* § 12-3 (6th ed. 2018) (tow owner independently warrants seaworthiness of vessel tendered for towage). Because Gnots claims a design defect independent of Gnots' navigational decisions, the dominant mind doctrine does not support summary judgment. On the merits, Gnots relies on Robert Bartlett, a licensed engineer, who

opines that the ALEX G fender was capable of hooking the dock rather than deflecting contact, thus, the barge was designed defectively and was unseaworthy.⁶ Associated responds with Brandon Taravella, Ph.D., P.E., who opines that the ALEX G's tire-fender system was customary and standard.⁷ The competing opinions on the adequacy of the barge's fender design present genuine issues of material fact that preclude summary judgment. See *Duplantis v. Shell Offshore, Inc.*, 948 F.2d 187, 190 (5th Cir. 1991); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986). Associated's argument that the tug captain's knowledge of the fender system eliminates the design defect claim also fails at summary judgment. The captain testified he knew the tires were fixed to the barge with a pipe. Whether that knowledge is sufficient to negate all or part of the fault that could attach to Associated's alleged design defect is a question best reserved for trial. 6 R. Doc. 82-1 at 12, 14–15. 7 R. Doc. 73-6 at 3-6.

IV. CONCLUSION

IT IS ORDERED that the Motion for Summary Judgment filed by third-party defendants Associated Marine Equipment, LLC and Associated Terminals Pangaea Logistics, LLC (R. Doc. 73) is DENIED. New Orleans, Louisiana, this 10th day of April, 2026.

WILLIAM J. CRAIN

UNITED STATES DISTRICT JUDGE