

1 JOSEPH A. WALSH II, State Bar No. 143694
joe.walsh@cwn-law.com
2 ELLEN E. McGLYNN, State Bar No. 270367
ellen.mcglynn@cwn-law.com
3 COLLIER WALSH NAKAZAWA LLP
One World Trade Center, Suite 2370
4 Long Beach, California 90831
Telephone: (562) 317-3300
5 Facsimile: (562) 317-3399

6 Attorneys for Plaintiffs Dordellas Finance
Corp.

7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
10

11 In re Application of
12 Dordellas Finance Corp.

13 Petitioner,

14 For Order Authorizing
15 Petition to Perpetuate
16 Testimony Pursuant to
FRCP Rules 27

Case No.

IN ADMIRALTY

**DECLARATION OF JOCK
MAWSON IN SUPPORT OF
OPPOSED EMERGENCY EX
PARTE VERIFIED PETITION FOR
AN ORDER TO PERPETUATE
TESTIMONY**

[FRCP Rule 27]

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18
19 I, John (Jock) Mawson, declare and state as follows:

20
21 1. I am a Master Mariner and consultant for Collier Walsh Nakazawa LLP
22 (“CWN”) counsel for Petitioner Dordellas Finance Corp. (hereinafter “Petitioner”)
23 in the above-captioned action.

24 2. I submit this declaration in support of Petitioner's Opposed Emergency
25 *Ex Parte* Verified Petition For An Order to Perpetuate Evidence and Testimony
26 (“Petition”) Pursuant to FRCP Rules 27 and 34.

27 3. I have personal knowledge of the facts in this declaration except those
28 facts stated on information and belief and as to those facts, I believe them to be true.

COLLIER WALSH NAKAZAWA LLP
One World Trade Center, Suite 2370
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1 4. My experience includes thirteen (13) years as a deck officer in the
2 merchant navy, serving on all types of cargo ship, rising to the rank of chief officer,
3 Master Mariner, qualified to sail as captain on all sizes of ocean going ships, trading
4 worldwide without limitation. My experience also includes working in the marine
5 insurance and claims industry for more than thirty (30) years after coming ashore
6 from sea, investigating marine casualties including pollution incidents, fires,
7 groundings and cargo damage. I have served as an expert witness in marine claims
8 cases, including at the highest levels, the Supreme Court of the United Kingdom. I
9 have lectured to, and acted as dissertation supervisor to, MA and MBA level
10 students at Greenwich University London. I have also served as the International
11 Chamber of Shipping’s representative to the United Nations (UNCITRAL) for the
12 negotiation of new international carriage of goods by sea rules.

13 5. In connection with my role as a consultant to CWN, I have reviewed
14 various data and documents provided by the United States Coast Guard ("USCG")
15 including an audio and video file from the Los Angeles - Long Beach Vessel Traffic
16 Service (VTS) which contained, among other data, radio communications with ships
17 in San Pedro Bay and the anchorages off the ports of Long Beach and Los Angeles,
18 video depictions of vessel positions and movements as recorded by the VTS on the
19 morning of 25th January 2021 during a high wind event that occurred in San Pedro
20 Bay and its anchorages.

21 6. Upon information and belief, during the early hours of the 25th January
22 2021, wind speeds increased significantly in the ports' outer anchorage areas, such
23 that several ships in the anchorages began to drag their anchors. In fact, VTS and
24 USCG records indicate that at least two other vessels anchored in the area to the
25 South of San Pedro Bay, known as the Huntington Beach ("HB") anchorage,
26 dragged their anchors and in the course of doing so collided with each other during
27 this same high winds event.

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One World Trade Center, Suite 2370
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1 7. Upon information and belief, one other ship that dragged anchor was
2 the M/V BEIJING (IMO # 9308508) a large container ship under the flag of the
3 Republic of Malta, which was anchored in the Sierra Foxtrot ("SF") anchorage
4 southeast of the dual Los Angeles-Long Beach port complex.

5 8. The MSC DANIT, another large container ship under the flag of the
6 Republic of Panama, was anchored nearby in an adjacent anchorage, commonly
7 referred to as SF-3.

8 9. Upon information and belief, starting as early as 0400 PST on 25
9 January 2021, the M/V BEIJING dragged its anchor, while moving in a generally
10 easterly direction towards where the MSC DANIT was anchored.

11 10. Upon information and belief, the Captain of the M/V BEIJING
12 eventually informed VTS via radio that he was weighing (raising) his ship's anchor,
13 however, he failed or was unable to do so for several hours. In fact, a review of the
14 VTS video file shows that despite its stated intentions to get underway, the M/V
15 BEIJING remained in anchorage throughout January 25, 2021.

16 11. Upon information and belief, the Captain of the MSC DANIT advised
17 VTS via radio at approximately 05:49 PST of his intention to weigh anchor and
18 proceed to sea to drift within the VTS area.

19 12. However, upon information and belief, as the MSC DANIT was raising
20 its anchor, the M/V BEIJING, continued dragging its anchor moving at some point
21 nearly one nautical mile out of its assigned anchor position closer towards the MSC
22 DANIT.

23 13. Upon information and belief and based on my review of the VTS video
24 file provided by USCG, at least one point in time, the M/V BEIJING came within
25 approximately 560 feet of the MSC DANIT after it had reported to VTS of its
26 efforts to weigh anchor to get underway. That distance is less than one-half of the
27 M/V BEIJING's overall length. It is reasonable to conclude based on the video

COLLIER WALSH NAKAZAWA LLP
One World Trade Center, Suite 2370
Long Beach, California 90831
Telephone (562) 317-3300

1 depiction and radio transmissions that the M/V BEIJING was unable to raise its
2 anchor and therefore unable to control its movement.

3 14. Upon information and belief, the MSC DANIT, was presented with an
4 imminent and significant risk of collision as the M/V BEIJING encroached and
5 embarrassed the safe navigation and maneuverability of the MSC DANIT which
6 was forced, and in fact obligated under the collision regulations, to take evasive
7 action including stopping heaving its own anchor, paying out more anchor chain to
8 allow more room between the ships and if necessary even engaging its engines to
9 back away from the M/V BEIJING so as to avoid collision and stay out of the way
10 of the M/V BEIJING .

11 15. Upon information and belief, the uncontrolled nature of the
12 movements, encroachment and continued dragging of anchor by the M/V BEIJING,
13 lasted for over two hours, until the MSC DANIT was able to resume weighing its
14 own anchor and proceeded to drift at sea approximately 08:20 PST.

15
16 I declare under penalty of perjury under the laws of the United States of
17 America that the foregoing is true and correct. Executed November 27, 2021, at Ojai,
18 California.

19
20 /s/ Jock Mawson
21 Jock Mawson
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