

## CURRICULUM VITAE

## EUGENE J. HICKEY JR.

**Qualifications Summary**

Over twenty-eight years experience as a Coast Guard officer, with sea assignments ranging from deck watch officer to command of four cutters, including a major high endurance cutter. Graduate of the National Search and Rescue School. Shore assignments included command of five units, from an isolated Loran station in the Pacific to a major Coast Guard group. Staff assignments included teaching navigation safety and Rules of the Road at the United States Coast Guard Academy; Coast Guard liaison officer to the office of the Secretary of Transportation; project manager for the construction of all U.S. Vessel Traffic Services; and inspector general for the New England area and, subsequently, the Coast Guard Pacific Area. Numerous career decorations and awards include the Silver Star Medal, Vietnamese Cross of Gallantry and the Meritorious Service Medal. Retired in the rank of captain on July 1st, 1988.

Twelve years experience as marine consultant to Exxon Shipping Company and SeaRiver Maritime, Inc., conducting operational safety audits and training aboard their tanker fleet worldwide.

International marine consulting clients include the Suez Canal Authority, Arab Republic of Egypt; the City of Venice, Italy; A.P. MØLLER/Maersk Tankers, Copenhagen, Denmark; and, Stolt Parcel Tankers, Inc.

Marine consultant and expert witness for the United States Attorney General. Under contract to the Admiralty Section, United States Department of Justice, provides analysis, advice and expert testimony for major collision and grounding cases, including the grounding of the passenger ship Queen Elizabeth 2; a fatal collision involving the nuclear guided missile cruiser USS Virginia; collisions with merchant vessels involving the nuclear submarines USS Drum and USS Jacksonville and, the strike destroyer USS Radford; and, the collision and major oil spill in Tampa Bay, involving a freighter and two petroleum tug/barge units. Other cases include investigating and assessing the liability aspects of: small boat accidents and search and rescue activities involving U.S. Coast Guard and U.S. Park Service vessels; collisions in fog and unrestricted visibility involving Coast Guard cutters, merchant vessels, tug boats and fishing vessels; and drowning cases involving passenger vessels and small boats. Qualified as an expert witness in federal admiralty courts in San Francisco, Seattle, New York, Boston, Norfolk, and Miami in the areas of search and rescue; marine collision and grounding; use of radar, ECDIS and ARPA; international and inland rules of the road; federal regulatory compliance; and vessel bridge resource management.

Appointed as harbor piloting expert for the Florida State Department of Business and Professional Regulation, Office of the General Counsel – the state pilot licensing agency.

Served as navigation expert/consultant to the United States Attorney, Eastern District of New York, for matters concerning the criminal prosecution stemming from the negligent operation and fatal collision involving the Staten Island Ferry *MV Andrew J. Barberi* on 15 October 2003.

**Professional Experience****KENAI NAVIGATION INTERNATIONAL, Occidental, CA, 1988-Present**

President and principal international marine consultant. As marine safety consultant to Exxon Shipping Co./SeaRiver Maritime, Inc., responsibilities include conducting check rides for all SeaRiver fleet tankers worldwide to ensure compliance with all international and U.S. Coast Guard navigation, safety and pollution prevention regulations, state laws and regulations and company policy. Evaluates the performance of masters, pilots and other senior seagoing officers. As training master, instructs vessel officers and crew in navigation safety [Rules of the Road; bridge resource management; reduced visibility radar/ARPA navigation and collision avoidance; piloting and emergency procedures, such as steering casualty control] and casualty control [firefighting, damage control and

engineering casualty response]. Observed and evaluated the performance of pilots in Prince William Sound, Valdez and Cook Inlet, Alaska; Puget Sound and Columbia River, Washington; San Francisco, Los Angeles and Long Beach, California; Barbers Point, Hawaii; Mississippi River to Baton Rouge; Mobile, Alabama; Galveston, Houston and Sabine Neches Canal to Beaumont, Texas; Miami, Tampa and Port Everglades, Florida; San Juan, PR; Savannah, Georgia; Charleston, South Carolina; Wilmington, North Carolina; Chesapeake Bay, C&D Canal and Delaware Bay to Philadelphia; New York Harbor; Panama Canal; Edinburgh, Scotland; the North Sea and English Channel; Fos, France; Trieste and Venice, Italy; Suez Canal and Sidi Kerir, Egypt; Ras Isa, Yemen; and Saupe, Brazil.

Participated in the development and conduct of a bridge resource management training program for all Exxon Shipping Company masters and deck officers at the Marine Safety International computer simulator training facility at Newport, RI. In April 1999, attended a 10-day course of instruction in bridge team management and the use of automatic radar plotting aids [ARPA] at the RTM Simulation Training and Research [STAR] Center, Dania, Florida.

As marine consultant to the Government of Venice, Italy, provided peer review and recommendations concerning navigation safety and vessel traffic management relating to the multi-billion dollar flood control project, designed to save the city from catastrophic flooding.

U. S. COAST GUARD, Alameda, CA, 1987-1988

As Chief, Inspection Staff, supervised the safety and inspection programs for the entire Coast Guard Pacific Area. Conducted inspections and audits of all Coast Guard shore and aviation units and cutters assigned to the West Coast, Alaska, Hawaii and other Pacific locations. Prepared comprehensive written reports to the area and district commanders.

U. S. COAST GUARD, Boston, MA, 1984-1987

As Chief, Inspection Staff, supervised the safety and inspection programs for all Coast Guard shore, aviation and floating units within the First Coast Guard District. Personally conducted audits and underway readiness evaluations and training of all cutters and boats within the New England Coast Guard District and prepared comprehensive written reports to the district commander.

U. S. COAST GUARD, New London, CT, 1979-1983

While on the staff of the Coast Guard Academy, taught Rules of the Road in the navigation department.

U. S. COAST GUARD, Washington, D. C., 1973-1979

As Assistant Chief, Rules of the Road Branch, wrote navigation safety regulations published in the Code of Federal Regulations. Developed offshore traffic separation schemes and participated in the consolidation and unification of the present Inland and International Rules of the Road.

As Chief, Vessel Traffic Services Branch, planned, budgeted, designed, constructed and developed the operating procedures for all United States vessel traffic services, including New York, New Orleans, Houston-Galveston, San Francisco, Puget Sound and Prince William Sound, managing a budget of over \$50 million. As founder of the VTS program, led the United States into pre-eminence in the internationally developing field of vessel traffic management. Prepared written testimony for senior Coast Guard officials appearing before Congressional committees to present oral and written testimony. As part of a State Department team, successfully negotiated a joint vessel traffic management agreement with the Government of Canada. As the sole technical representative of the Coast Guard to the Government of Egypt, conducted an audit of vessel traffic management and aids to navigation needs of the Suez Canal Authority and made accepted recommendations for the location of additional dredged approaches and traffic separation schemes to the Mediterranean entrance of the canal.

OFFICE OF THE SECRETARY OF TRANSPORTATION, Washington, D. C., 1971-1973

Coast Guard liaison officer to the Assistant Secretary for Safety and Consumer Affairs. Developed and wrote advisory standards for inclusion in the Code of Federal Regulations. As marine safety specialist participated in the Department of State's official delegation to Russia, Ukraine and Georgia and developed a smooth rapport and working relationship with each country's shipping company officials and merchant ship masters.

U. S. COAST GUARD, New London, CT, 1969-1971

Executive officer and commanding officer of Coast Guard Cutter OWASCO, a 278' high endurance cutter. As training officer, was instrumental in achieving a record performance during refresher training with the U.S. Navy.

U. S. COAST GUARD, New London, CT, 1966-1969

As Captain of the Port, New London/New Haven, was directly responsible for all Coast Guard marine safety functions in the Long Island Sound area, including significant oil transfer operations. Established one of the first oil spill contingency plans in the nation in conjunction with local industry and municipal interests.

As Commander, Coast Guard Group, New London, was responsible for all Coast Guard search and rescue and aids to navigation operations from New York to Rhode Island, including the supervision and inspection of all Coast Guard forces in the area. As Commander, Coast Guard Division Two, commanded two 82' patrol boats and planned and executed their training and transit from new construction in Puget Sound, WA, to Florida via the Panama Canal.

U. S. COAST GUARD, Republic of Viet-Nam, 1965-1966

As commanding officer of Coast Guard Cutter POINT WELCOME, conducted the first combat patrol in the Coast Guard's effort there. Selected to return to Subic Bay, RP to train a second Coast Guard contingent en route to the war zone. As commanding officer of Coast Guard Cutter POINT WHITE, conducted the first riverine combat patrol. Awarded the Silver Star Medal for "conspicuous gallantry and intrepidity in action" and the Vietnamese Cross of Gallantry.

U. S. COAST GUARD, Wake Island, Central Pacific, 1963-1964

Commanded an isolated Loran station. Set new standards for system reliability and "on air" time.

U. S. COAST GUARD, New York, NY, 1962-1963

As commanding officer of Coast Guard Cutter CAPE GULL, conducted search and rescue and harbor entrance patrol duties in the New York Harbor/Long Island Sound area.

U. S. COAST GUARD, New York, NY, 1960-1961

Deck watch officer, deck division officer and navigator aboard Coast Guard Cutter ROCKAWAY, a 311' high endurance cutter. Superior performance resulted in selection for command at sea as lieutenant [junior grade].

### **Education**

United States Coast Guard Academy, New London, Connecticut, 1960, Bachelor of Science, Engineering.

### **Professional Licenses Attained**

United States Merchant Marine: Master, 1600 tons, oceans. Chief mate, unlimited, upon oceans.

Aviation: Private Pilot

### **Professional Affiliations**

Society of Naval Architects and Marine Engineers  
Institute of Navigation, Washington, DC  
Nautical Institute, London

Royal Institute of Navigation, London  
U.S. Naval Institute, Annapolis  
National Safe Boating Council

### **Fee Schedule:**

Review of documents and other evidence; consultation with counsel, other experts and witnesses; preparation of reports and such; preparation for testimony; testimony at deposition and trial; and, portal to portal travel time - \$250 per hour. Plus reimbursement for actual travel expenses, including meals, lodging, mileage allowance, etc.

### **Previous testimony**

On February 8, 1994, I testified at trial for the defendant, United States of America, in a civil action brought by Ioannis V. Paterakis, et al., in U.S. District Court, Eastern District of Virginia, Norfolk Division (Case No. Civ. 2:93cv159). This case involved the collision between the U.S. Navy guided missile cruiser *USS VIRGINIA* (CGN-38) and the Greek fishing vessel *VASILIOS I* off the island of Crete.

In July 1997, I testified at trial for the defendant, Steve Thomas, in a civil action brought by Mr. Mark Prince in U.S. District Court, Northern District of California, San Francisco (Case No. C94 1419 CAL MED). This case involved the allision of a diver's air hose by the defendant's motorboat.

On July 23, 1997, I testified at a deposition for the petitioner/claimant SP Hawk, Inc. and Stolt Parcel Tankers, Inc., and third-party defendant Hough Marine & Machine, Inc., in a civil action brought by Misty Gerdes against G & H Towing Company, in U.S. District Court, Southern District of Texas, Galveston Division (C.A. No. G-96-415). The case involved the collision and sinking of the harbor tug *LAURA HADEN* with the product tanker *M/V STOLT HAWK* in the Houston Ship Channel.

In November 1997, I testified at trial for the defendant, United States of America, in a civil action brought by Cunard Line, Limited, in U.S. District Court, Southern District of New York (Case No. Civ. 5637). This case involved the grounding of the passenger liner *QUEEN ELIZABETH 2* in Vineyard Sound, Mass.

In October 1999, I testified at trial for the defendant, United States of America, in a civil action brought by National Shipping Company of Saudi Arabia, in U.S. District Court, Eastern District of Virginia, Norfolk Division (Case No. Civ. 2:98cv1274). This case involved the collision between the container ship *M/V SAUDI MAKKAH* and the U.S. Navy nuclear attack submarine *USS JACKSONVILLE* (SSN 699).

On November 9 & 10, 1999, I testified for the United States, before the Seventh CG District Administrative Law Judge (Case No. PA 99000734), against the U.S. Merchant Marine License 036785, held by Captain J. Nitkin. The case involved a collision between *M/V CHELSEA* and *M/V TMM MANZANILLO* off the coast of Miami, Florida.

In January 2000, I testified at trial for the defendant, United States of America, in a civil action brought by National Shipping Company of Saudi Arabia, in U.S. District Court, Eastern District of Virginia, Norfolk Division (Case No. Civ. 2:99cv223). This case involved the collision between the container ship *M/V SAUDI RIYADH* and the U.S. Navy strike destroyer *USS RADFORD* (DD 968).

On January 16, 2002, I testified at a deposition for the defendants, Chris Peterson and Nick Jurlin, in a civil action brought by San Pedro Pride, Inc., in the Superior Court of the State of California, County of Orange (Case No. OCCC09908). This case involved the collision between the *F/V SAN PEDRO PRIDE* and the *F/V ATLANTIS*.

On February 5, 2002, I testified at a deposition for the plaintiff, April Romjue, in a civil action against Ron and Regena DeCosta, in the Superior Court of the State of California, County of San Joaquin (Case No. CV011438). This case involved the negligent operation of a "cigarette" type boat on the Stockton main ship channel. On February 15, 2002, I testified at trial in the same matter.

On July 24, 2002, I testified at a deposition for the defendant, United States of America, in a civil action brought by Joe and Judy Lewis, in U.S. District Court, Middle District of Florida, Jacksonville Division (Case No. 01-821). This case involved alleged negligence by the United States Coast Guard while rescuing an injured diver off the Florida coast.

On November 5, 2002, I testified at trial for the plaintiff, the State of Oregon, in a civil action against Taiheiyu Kaiun Co., Ltd, a Japanese corporation; TMM Co., Ltd, a Japanese corporation; and Green Atlas Shipping, S.A., a Panama corporation, in the Circuit Court of the State of Oregon, for the County of Coos (Case No. 01CV0383). This case involved the grounding of the wood chip carrier *M/V NEW CARISSA* on the coast of Oregon.

On February 19, 2003, I testified at a deposition for the defendant, *M/V OCEAN VENUS*, *in rem*, and Buena Estacion and Hiong Guan Navegacion, *in personam*, in a civil action brought by Nordtramp Seereederi, in U.S. District Court for the Southern District of Texas, Houston Division (Case No. H-02-1739). This case involved the collision between the cargo ships *M/V OCEAN VENUS* and *M/V DYNAMIC* in the Inner Bar Channel, Galveston Bay, Texas.

On February 26, 2003, I testified at a deposition for the defendant, United States of America, in a civil action brought by Maritime & Mercantile Intl., LLC; Inchcape Shipping Services (Dubai), LLC; and, Qatar Insurance Co. (S.A.Q.), in U.S. District Court, Southern District of New York, Civil Action No. 02CV1446(AGS)(MHD). This case involved the collision between the oiler *USNS YUKON* and the offshore supply vessel *M/V INCHCAPE-14*, in reduced visibility in the Mina Jebel Ali main ship channel, Dubai, U.A.E.

On August 28, 2003, I testified at a deposition for the defendant, United States of America, in a civil action brought by Green Atlas Shipping, et al., in U.S. District Court, District of Oregon, Civil Action No. CV01-156 KI. This case involved the grounding of the wood chip carrier *M/V NEW CARISSA* on the coast of Oregon.

On October 23, 2003, I appeared before the City Attorney, Port of Los Angeles, California, in a matter concerning the negligence of a Los Angeles Harbor pilot. This case involved the allision of the container ship *MOL VELOCITY* with Trapac Terminal Berth 138, Los Angeles Harbor.

On March 12, 2004, I testified at a deposition for the defendant, Maritrans Transportation, Inc., et al, in a civil action brought by Crowley Marine Services, Inc., in U.S. District Court, Western District of Washington at Seattle, Civil Action No. CV02-2487C. This case involved the collision between Maritrans' tanker *ALLEGIANCE* and Crowley tug *SEA KING* in the Strait of Juan de Fuca, Washington.

On April 28, 2004, I testified at trial in the above mentioned case, in U.S. District Court, Western District of Washington at Seattle.

On January 13, 2005, I testified at trial in U.S. District Court, Southern District of New York, in the *USNS YUKON* case mentioned above.

On August 3, 2005, I testified at trial for the defendant, United States of America, in a civil action brought by Northern Voyager Limited Partnership in U.S. District Court, District of Massachusetts (Civ. No. 99-cv-12243-RWZ). This case involved the sinking of the fishing vessel *NORTHERN VOYAGER* in the Atlantic Ocean off Gloucester, MA.

On June 22 & 23, 2005, I testified at deposition for the defendant, *M/V CLARY*, in a civil action brought by OTAL Investments Limited, as owner of *M/V KARIBA*, seeking exoneration for limitation of liability, in U.S. District Court, Southern District of New York (Case No. 03 Civ. 4304 [HB]). This case involved the sinking of the car carrier, *M/V TRICOLOR* after a collision with the *M/V KARIBA*, in the Dover Strait area of the English Channel. On October 21, 2005 I testified at trial in the same matter.

On November 17, 2005, I testified at deposition for the defendant, United States of America, in a civil action brought by Compagnie Maritime Marfret, in U.S. District Court, District of Puerto Rico (Case No. Civ. 03-1654 [PG]). This case involved the grounding of the *MV PROVIDENCE* on a reef outside the entrance channel to San Juan Harbor.

On May 24, 2006, I testified at deposition for the defendant, Foss Maritime Company, in a civil action brought by Blue Coast Bareboat Company (Crowley Marine), in U.S. District Court, Western District of Washington at Seattle (Case No. CO4-2249Z). This case involved the collision of the tanker *MV BLUE RIDGE* with a buoy in Port Angeles Harbor, Washington.

On November 15, 2006, I testified at deposition for the defendant, Buchanan Marine, LP, in a civil action brought by MTA Metro-North Railroad and the State of Connecticut, in U.S. District Court, District of Connecticut (Case No. 3:05CV881 PCD). This case involved the striking of the Norwalk River railroad bridge by a barge pushed by the tug *MV BUCHANAN 3*.

On November 19, 2008, I testified at deposition for the defendant, United States of America, in a civil action brought by Seaspan Ship Management Ltd. and Seaspan Corporation, in U.S. District Court, Southern District of New York (Case No. 08-CV 00504). This case involved the grounding of the *MV NEW DELHI EXPRESS* on a reef at Bergen Point, Kill Van Kull, Bayonne, New Jersey.

On April 7, 2009, I testified at deposition for the defendants, Kenneth and Christopher Durnin, in a civil action brought by Amanda Neils, in U.S. District Court, Western District of Washington at Tacoma (Case No. C07-505RJB). This case involved the collision of two motorboats in Commencement Bay, Tacoma, Washington, resulting in serious injury to one of the passengers.

On January 4, 2011, I testified at deposition for the defendant, Dr. James Forni, in a civil action brought by David Thompson, in Superior Court of the State of California, County of Alameda (Case No. RG09487675). This case involved the collision of two large sailing vessels in San Francisco Bay, resulting in injury to one crew member. On May 24 and May 25, 2011, I testified at trial in the same matter.

On January 7, 2011, I testified at a hearing for the respondent, Captain Olimpio Scoto Jr., in defense of a complaint by the United States Coast Guard before its West Coast Administrative Law Judge, alleging negligence in connection with the operation of the Tug *REBEL II* (Docket No.: 2010-0049, USCG Enforcement Activity No.: 3648094). This case involved the collision of a Bayliner motorboat with a barge towed by *REBEL II*, in the Los Angeles, California, approach channel, resulting in the death of the boat's two passengers.

On October 14 and October 19, 2011, I testified at deposition for the defendant, Alberic Colon Zambrana, in a civil action brought by Francisco Perez Ortiz, in U.S. District Court – District of Puerto Rico (Civil Action No. 09-2261 PG). This case involved the alleged collision of Mr. Colon's motor yacht *CON CALMA* with a diver off the coast of Culebra Island, Puerto Rico.

On November 16, 2011, I testified at deposition for the plaintiff, Dr. Mark Luther, in a civil action brought against the fruit juice tanker *MV OURO DO BRASIL*, in U.S. District Court, Middle District of Florida, Tampa Division (Case No.: 8:09-cv-2267-T26-TGW). This case involved personal injury to Dr. Luther, and damage to his vessel *THREE GRACES*, caused by the wake of the ship passing under the Sunshine Skyway Bridge, Tampa Bay, Florida.