

Court: Palace Casino not liable from marina damage - Ventura County Star

Written by Administrator

Tuesday, 12 October 2010 08:41 -

BILOXI, Miss. (AP) - The owners of a Biloxi marina damaged by a casino-owned barge during Hurricane Katrina are considering an appeal of a Mississippi court ruling that the gaming house was not liable for the destruction.

Last week, the state Court of Appeals upheld a lower court ruling Palace Casino wasn't liable for the damage to Bay Point High and Dry Marina in

2005.

A Harrison County judge ruled in favor of the casino in 2009.

Marina owner Doug Cruthirds and his attorney, William Guice III, told The Sun Herald that they may appeal to the Mississippi Supreme Court.

"Basically they ruined me," Cruthirds said.

Cruthirds said he lost the marina and his home to Katrina and now operates his yacht brokerage business out of the house he moved into after the storm.

The 20,000-square-foot warehouse he leased had more than 100 boats inside when Katrina hit.

The marina was northwest of where New Palace Casino LLC had two barges moored on the Biloxi Bay. The casino barge held in the storm surge but the barge that housed the SportsZone - a 15,000 square foot sports bar with slot machines - broke loose and, according to court records, floated across the bay and allegedly struck Bay Point Marina.

Keith Crosby, general manager of the Palace Casino, had no comment on the case.

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Palace attorneys had argued Katrina was an "Act of God." It was the duty of the Palace management to take steps to prevent injury that is "reasonably foreseeable," the ruling said, but reasonable precautions could not have prevented damage from the storm.

The mooring was required to withstand a Category 4 hurricane with 155 mph winds and a 15-foot tidal surge and designed by a licensed engineer to withstand an 18-foot surge. Katrina's storm surge was 23 feet in that area, court records said.

"New Palace took reasonable steps in mooring its barge in light of the applicable regulations and foreseeable weather conditions of Biloxi Bay," wrote Appeals Judge Larry E. Roberts in the decision.

Cruthirds had sued the Palace for negligence.

"All I wanted was a couple hundred thousands so we could rebuild it," he told the Sun Herald.

Cruthirds said he had to pay half the insurance check he received for damages to the owner of the building, who Cruthirds said canceled the remaining 20 years on his 30-year lease and now has the property zoned for a casino. Cruthirds spent the \$90,000 he received in insurance on attorney fees.

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Online:

Mississippi Court of Appeals, <http://www.mssc.state.ms.us>

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