

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 12-13967
Non-Argument Calendar

D.C. Docket No. 8:10-cv-02028-EAK-AEP

SCOTT FOLINO,

Plaintiff-Appellant,

versus

JOSEPH PORCELLI,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Florida

(April 12, 2013)

Before TJOFLAT, HULL and JORDAN, Circuit Judges.

PER CURIAM:

This is an admiralty case. It arises out of a collision between two jet skis, one owned and operated by the plaintiff, Scott Folino, the other owned and operated by the defendant, Joseph Porcelli. Dr. Folino claimed that Mr. Porcelli's negligence caused the collision; Mr. Porcelli claimed that Dr. Folino's negligence was the cause. After receiving testimony from the parties and their experts on maritime navigation and the Convention on the International Regulations for Preventing Collision at Sea 1972 ("COLREGS" or "Rules of the Road"), the District Court found that the parties were equally at fault for the collision. And after receiving evidence from both sides on Dr. Folino's injuries, his past and future medical expenses, and his lost wages, the court found that Dr. Folino had incurred \$28,687.45 in actual medical expenses, that he failed to prove that he would incur future medical expenses, and that he had incurred lost wages in the sum of \$12,000—for a total damages sum of \$40,687.45. The court then reduced that sum by 50% and gave Dr. Folino judgment for \$20,343.73.

Dr. Folino appeals the judgment, asking us to reverse the District Court's findings of joint liability because the court misapplied the COLREGS, and to remand the case for a reassessment of damages to include future medical expenses and adequate compensation for lost wages.

As Dr. Folina acknowledges, we review the District Court's findings of fact for clear error and its application of law *de novo*. We find no error in the court's

application of the COLREGS to the facts; nor do we find clear error in the court's findings of fact regarding future medical expenses and lost wages. The judgment of the District Court is accordingly

AFFIRMED.