

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 08-10924  
Non-Argument Calendar  
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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT September 26, 2008 THOMAS K. KAHN CLERK
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D. C. Docket No. 06-00234-CV-3-MCR-MD

IN RE: In The Matter of Backcountry Outfitters, Inc.,  
a Florida Corporation as owner of a 2002  
22' Cape Horn motor vessell named Backcountry  
bearing hull identification No. FAB22047E202,

\_\_\_\_\_  
LARRY MCFERREN,

Respondent-Third-Party-  
Plaintiff-Appellant,

versus

JASON MICHAEL DUDLEY,

Third-Party-Defendant,

versus

IN THE MATTER OF BACKCOUNTRY OUTFITTERS, INC.,  
a Florida corporation as owner of a 2002 22'  
Cape Horn motor vessell named Backcountry  
bearing hull identification No. FAB22047E202,

Third-Party-Defendant-  
Appellee.

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

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**(September 26, 2008)**

Before TJOFLAT, BLACK and PRYOR, Circuit Judges.

PER CURIAM:

Larry McFerren, who suffered personal injuries in a boating accident, appeals a post-trial judgment of limitation of liability in favor of Backcountry Outfitters, Inc., the owner of the vessel involved in the accident. Because the district court did not clearly err in its findings that the vessel was seaworthy and the negligence of the captain was not within the privity or knowledge of the owner, we affirm.

McFerren contends that the vessel was unseaworthy for having inadequate equipment and an incompetent crew and the accident was within the privity or knowledge of Backcountry, but we disagree. The findings of the district court that the vessel “was outfitted with all safety equipment that was required by the U.S. Coast Guard for bay and in-shore use” and that the licensed and experienced captain was competent are supported by the record. The findings of the district court that the accident was caused by the captain’s navigational error, which was

not within the privity or knowledge of the owner, is also not clearly erroneous.

The judgment of limitation of liability in favor of Backcountry is

**AFFIRMED.**