

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHIPS INT’L INC., FELIX VERA,  
THE ESTATE OF CHRISTIAN  
LINT, and MARINE SERVICES  
INT’L INC.,

Defendants.

C23-1677 TSZ

ORDER

THIS MATTER comes before the Court on the United States’ motion for summary judgment (the “Motion”), docket no. 66. Having reviewed the Motion, the Court enters the following order.

**I. Background**

The Court has previously set forth the undisputed material facts relevant to this matter. *See* Order (docket no. 65). In that order, the Court denied the motion for summary judgment filed by defendant the Estate of Christian Lint (the “Estate”) and concluded that Mr. Lint is a “responsible party” under the Oil Pollution Act of 1990 (“OPA”), 33 U.S.C. §§ 2701–2720. *See id.* at 6 (docket no. 65). The United States now moves for summary

1 judgment against all defendants. *See* Motion (docket no. 66). The Court scheduled for  
2 July 1, 2025 oral argument on the Motion, and the related motion to strike<sup>1</sup>, docket  
3 no. 73. At the hearing, counsel for Mr. Vera and MSI advised the Court that Mr. Vera had  
4 filed a personal bankruptcy complaint under Chapter 7 with the United States Bankruptcy  
5 Court in the Southern District of Florida, case number 9:25-bk-17576-MAM. As a result,  
6 the Court stayed the case as to Mr. Vera, and as to Ships and MSI, *see* Minute Entry  
7 (docket no. 83), because the record reflects that Mr. Vera is the sole owner of those  
8 entities.

9 The Court orally granted summary judgment in favor of the United States as to the  
10 Estate, holding that Mr. Lint is strictly liable under the OPA for the grounding of the M/V  
11 American Challenger, including all removal costs and damages incurred by the  
12 government. *See* Minute Entry (docket no. 83). The Court stated that it would enter an  
13 order on the Motion following the hearing. *Id.*

## 14 **II. Discussion**

### 15 **a. Summary Judgment Standard**

16 The Court shall grant summary judgment if no genuine issue of material fact exists  
17 and the moving party is entitled to judgment as a matter of law. Federal Rule of Civil  
18 Procedure 56(a). The moving party bears the initial burden of demonstrating the absence  
19 of a genuine issue of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). A  
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21 <sup>1</sup> Because the case is stayed with respect to Mr. Vera, Ships, and MSI, *see* Minute Entry (docket no. 83),  
22 the motion to strike is DEFERRED until the stay is lifted.

fact is material if it might affect the outcome of the suit under the governing law. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). To survive a motion for summary judgment, the adverse party must present affirmative evidence, which “is to be believed” and from which all “justifiable inferences” are to be favorably drawn. *Id.* at 255, 257. When the record, however, taken as a whole, could not lead a rational trier of fact to find for the non-moving party, summary judgment is warranted. *See Beard v. Banks*, 548 U.S. 521, 529 (2006) (“Rule 56 ‘mandates the entry of summary judgment, after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party’s case, and on which that party will bear the burden of proof at trial.’” (quoting *Celotex*, 477 U.S. at 322)).

**b. Prima Facie Liability Under the OPA**

Under the OPA, responsible parties for a vessel or facility from which oil is discharged, or from which there is a substantial threat of discharge, are strictly liable for resulting damages, subject to certain exceptions. 33 U.S.C. § 2702(a); *Clausen v. M/V New Carissa*, 339 F.3d 1049, 1052 (9th Cir. 2003); *United States v. Kilroy & Assocs., Inc.*, 2009 WL 3633891, at \*4 (W.D. Wash. Oct. 30, 2009).

To establish strict liability, the government must prove: (1) that the defendant is a “responsible party”; (2) that oil was discharged or that the incident posed a substantial threat of discharge; and (3) that the actual or threatened discharge occurred in navigable waters or adjoining shorelines. 33 U.S.C. § 2702(a). If these elements are satisfied, the government has established a prima facie case.

**i. Responsible Party**

Under the OPA, a “responsible party” is “any person owning, operating, or demise chartering a vessel.” 33 U.S.C. § 2701(32)(A). An “owner or operator” is, “in the case of a vessel, any person owning, operating, or chartering by demise, the vessel.” 33 U.S.C. § 2701(26)(A)(i). A “person” under the OPA can be an individual or a corporation. *See* 33 U.S.C. § 2701(27). Further, a “vessel” “means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation of water, other than a public vessel.” 33 U.S.C. § 2701(37). “Operator”<sup>2</sup> includes those “persons” who “manage, direct, or conduct operations specifically related to pollution.” *United States v. Bestfoods*, 524 U.S. 51, 67 (1998).

This Court has already held that Mr. Lint is a “responsible party” within the meaning of the OPA. *See* Order at 6 (docket no. 65).

**ii. Actual or Substantial Threat of Discharge of Oil**

With respect to the second element, strict liability under the OPA is triggered by either the “discharge” of oil, or the “substantial threat of discharge” of oil. *See* 33 U.S.C. § 2702(a); *see also Kilroy*, 2009 WL 3633891, at \*4. Following the grounding of the M/V American Challenger, approximately 50 gallons of oil were discharged into the

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<sup>2</sup> The *Bestfoods* court interpreted the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA”). *See United States v. Bestfoods*, 524 U.S. 51 (1998). This statute, which preceded the OPA, is “a statute to which courts frequently look when interpreting the OPA [and which] broadly extends liability all the way down the causal chain.” *United States v. Bros. Enterprises, Inc.*, 113 F. Supp. 3d 907, 913 (E.D. Tex. 2015) (internal quotation marks omitted). Accordingly, the Court looks to cases where courts interpreted CERCLA to interpret the OPA and reads the OPA’s “responsible party” language broadly.

1 water, oil sheening surrounding the vessel was observed, and oil and hazardous materials  
2 were found on board. Macon Decl. at ¶¶ 9, 11, 12 (docket no. 68). The United States  
3 Coast Guard recovered approximately 14 cubic yards of oiled debris, 760 gallons of  
4 mixed oily water, and more than 50 gallons of hydraulic oil. *Id.* at ¶ 13 (docket no. 68).  
5 These material facts are not in dispute, and the Estate has not responded to the Motion.  
6 Accordingly, the government has carried its burden as to the second element.

7 **iii. Navigable Waters or Adjoining Shorelines**

8 The OPA defines “navigable waters” as “the waters of the United States, including  
9 the territorial sea.” 33 U.S.C. § 2701(21). The M/V American Challenger grounded in the  
10 Pacific Ocean in the Bodega Bay off the California coastline, within a national marine  
11 sanctuary designated by Congress. Macon Decl. at ¶¶ 5–6 (docket no. 68); *see also* Ex. A  
12 to Macon Decl. (docket no. 68-1). Because the grounding and the resulting oil discharge  
13 occurred in the Pacific Ocean, which falls squarely within the statutory definition of  
14 “navigable waters,” this element of a claim for strict liability under the OPA is satisfied  
15 as a matter of law.

16 **c. Affirmative Defense Under § 2703(a)(3)**

17 The United States has submitted sufficient evidence to make out a *prima facie* case  
18 for strict liability under the OPA. The Estate, at paragraph 87 of its Answer, docket  
19 no. 30, asks the Court to consider the third party complete defense enumerated in 33  
20 U.S.C. § 2703(a)(3). The responsible party bears the burden of proof as to this defense.  
21 33 U.S.C. § 2703(a). A responsible party is not liable under § 2702 if it “establishes, by a  
22 preponderance of the evidence,” that the discharge or substantial threat of discharge of oil  
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1 and the resulting damages were “caused solely by . . . an act or omission of a third party,  
2 other than . . . a third party whose act or omission occurs in connection with any  
3 contractual relationship with the responsible party.” 33 U.S.C. § 2703(a)(3). This  
4 affirmative defense also requires a showing that the responsible party “exercised due care  
5 with respect to the oil concerned” and “took precautions against foreseeable acts or  
6 omissions” by the third party. *Id.* at (A)–(B).

7 In the Motion, the United States argued it cannot be considered a “third party” as a  
8 matter of law under 33 U.S.C. § 2703(a). *See* Motion at 16–17 (docket no. 66). The  
9 Estate did not file any opposition to the Motion. The Court agrees with the government  
10 that it is not a “third party” within the meaning of the OPA. *See Savage Servs. Corp. v.*  
11 *United States*, 25 F.4th 925, 936–938 (11th Cir. 2022) (citing *In re Glacier Bay*, 71 F.3d  
12 1447, 1455 (9th Cir. 1995)). The affirmative defense fails as a matter of law, and the  
13 government is entitled to summary judgment as to its claim against the Estate.

#### 14 **Conclusion**

15 For the foregoing reasons, the Court ORDERS:

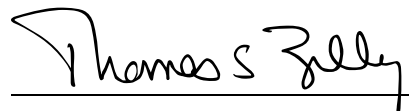
16 (1) The United States motion for summary judgment, docket no. 66, is  
17 GRANTED with respect to the Estate of Christian Lint, and DEFERRED with respect to  
18 Mr. Vera, Ships, and MSI. The Estate is jointly and severally liable for the full amount of  
19 removal costs incurred by the United States at the amount of \$14,440,310.00. This ruling  
20 does not foreclose the Court from finding additional named defendants jointly and  
21 severally liable at a later stage in proceedings.

1 (2) The Court finds no reason at this time to enter a partial judgment under  
2 Federal Rule of Civil Procedure 54(b).

3 (3) The Clerk is directed to send a copy of this order to all counsel of record,  
4 to Ships International, Inc. at "SHIPS INT'L INC., c/o R. Shawn Griggs, 130 Nickerson  
5 Street, Suite 201, Seattle, WA 98109," *see* Summons of Ships Int'l Inc. (docket no. 1-2),  
6 and to the Estate of Christian Lint pro se.

7 IT IS SO ORDERED.

8 Dated this 28th day of July, 2025.

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11 Thomas S. Zilly  
12 United States District Judge  
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