

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION**

NORWEGIAN HULL CLUB et al.,

Plaintiffs,

v.

CASE NO. 5:21cv181-RH-MJF

NORTH STAR FISHING  
COMPANY LLC et al.,

Defendants.

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**ORDER ON AN ADVISORY JURY**

A good lawyer opposing a motion for rehearing in this court once began oral argument something like this: “A district court’s job is to be decisive. It is the job of the *court of appeals* to be correct.” Perhaps so. Better still for a district court to be correct. A little indecisiveness can be a small price to pay.

At the pretrial conference, I took under advisement the question whether the underwriters properly invoked the court’s admiralty jurisdiction, thus defeating the assureds’ claimed right to a jury trial. *See St. Paul Fire & Marine Ins. Co. v. Lago Canyon, Inc.*, 561 F.3d 1181 (11th Cir. 2009). But I said that even if I concluded there was no jury right, I would empanel an advisory jury. This would avoid the

risk of having to try the case again if an appellate court ultimately ruled that the underwriters' claim did not arise in admiralty or that, even if it did, the assureds had a jury right, on grounds like those set out in Judge Wilson's *Lago Canyon* concurrence.

Having now decided that the underwriters' claim arises in admiralty and that, under *Lago Canyon*, there is no jury right, I have reconsidered the issue of an advisory jury. The better exercise of discretion is *not* to have an advisory jury. This is so for a variety of reasons, including but not limited to the complexity of the case, the involvement of multiple experts eager to express views that are—and some that are not—permissible subjects of expert testimony, the possibility that I may have questions for attorneys or witnesses that I would be unable to ask with a jury in the box, the certainty that a bench trial will be conducted more efficiently without an advisory jury, and the likelihood that I will be able to find the facts more reliably without the distraction of a jury.

Because there is no right to a jury, the case will be tried to the court. An advisory jury will not be seated.

SO ORDERED on March 10, 2023.

s/Robert L. Hinkle  
United States District Judge