

# Fisherman Files Lawsuit From '87 Boat Accident

A Hoke County man whose boat capsized in a 1987 fishing tournament at Southport is suing the salesman and company who sold him the boat and a Shallotte man who helped tow the boat to shore.

Thomas Jerry Ryan's 22-foot Harbor Craft boat began taking on water and capsized off the coast of Southport just three days after he bought it. Ryan is suing Earl William Black and Rockhill Auto Marine of Harnett County, claiming the boat wasn't new as he was told when he bought it. Also named as a defendant is Harry Thomas Wilkes of Brierwood Estates, Shallotte, for damages to the boat allegedly caused when Wilkes towed the boat to Holden Beach.

The lawsuit was originally filed in

Cumberland County Superior Court in September, but was transferred to Brunswick County Superior Court on March 7.

Ryan is asking for \$28,483 in damages to the boat, court costs, interest at 8 percent and \$4,272 in attorney fees.

According to the complaint, Ryan was participating in the U.S. Open King Mackerel Tournament in Southport on Oct. 1, 1987, when around 8 a.m. his VHF radio and chart recorder stopped working. The boat began taking on water and the batteries and engine wouldn't run.

The boat capsized, throwing Ryan and a passenger into the ocean, the lawsuit states.

The U.S. Coast Guard made an effort to re-

cover the boat, but due to mechanical problems of its own, was forced to temporarily leave the capsized boat.

After the Coast Guard left, Wilkes, who was also participating in the tournament, hooked a line to the boat and attempted to tow it back to shore. The lawsuit states that the Coast Guard approached Wilkes later that afternoon and asked him to turn the capsized boat back over to them, but he refused.

Ryan claims Wilkes asked a shrimp trawler to tow the boat into the mouth of the inlet during low tide. Wilkes then is alleged to have towed the boat to the Holden Beach Bridge around 11 p.m.

The next morning around 7:35 a.m., the Coast Guard arrived and found the boat

pinned to the bridge. The lawsuit claims that when Wilkes refused to release the boat to the Coast Guard, the sheriff's department dispatched someone to the scene.

When the Coast Guard uprighted the boat, it was noticed that the center console had been torn off, the suit states. Ryan alleges that Wilkes was negligent in his towing of the boat causing a loss of equipment, holes in the bow and loss of the console and attached hardware.

Ryan also claims when he purchased the boat from Black, he was told the boat was new. The lawsuit claims the engines had wear and tear not consistent with a new boat and that the boat did not operate as new when in the water.

In his answer to the lawsuit, Wilkes claims Ryan and his fishing crew was operating the boat in a negligent and reckless manner when it capsized. The boat was left unattended to float in the ocean, causing a "potentially serious and harmful condition to other marine craft in the vicinity and fishing" in the tournament, the answer states.

Wilkes claims he was acting within the law to relieve a potentially dangerous and harmful condition from the water. In his counterclaim filed by Holden Beach Attorney Benedict J. Del Re' Jr., Wilkes said he used fuel and time to tow the vessel to shore and that he should be paid for his services.

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