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for the Third Circuit

11-17-1994

Calhoun v. Yamaha Motor Corp., et al.

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NOS. 93-1736 and 93-1737

LUCIEN B. CALHOUN; ROBIN L. CALHOUN,
individually and as Administrators of the
Estate of Natalie K. Calhoun, deceased

v.

YAMAHA MOTOR CORPORATION, U.S.A.;
YAMAHA MOTOR CO., LTD.; PALMAS DEL MAR COMPANY;
PALMAS DEL MAR, INC.; PALMAS YACHT CLUB, INC.;
MARINA DE PALMAS YACHT CLUB, INC.; MAXXAM
PROPERTIES, INC.; ABC CORPORATION; XYZ
PARTNERSHIP(S); CANDELERO HOTEL CORPORATION;
MARINA DE PALMAS SHIPYARD, INC.

Yamaha Motor Corporation, U.S.A. and
Yamaha Motor Company, Ltd.,
Appellants in No. 93-1736

LUCIEN B. CALHOUN; ROBIN L. CALHOUN,
individually and as Administrators of the
Estate of Natalie K. Calhoun, deceased,

Appellants in No. 93-1737

v.

YAMAHA MOTOR CORPORATION, U.S.A.;
YAMAHA MOTOR CO., LTD.; PALMAS DEL MAR COMPANY;
PALMAS DEL MAR, INC.; PALMAS YACHT CLUB, INC.;
MARINA DE PALMAS YACHT CLUB, INC.; MAXXAM
PROPERTIES, INC.; ABC CORPORATION; XYZ
PARTNERSHIP(S); CANDELERO HOTEL CORPORATION;
MARINA DE PALMAS SHIPYARD, INC.

On Appeal From the United States District Court
For the Eastern District of Pennsylvania
(D.C. Civ. No. 90-04295)

Argued: April 13, 1994

Before: BECKER, MANSMANN and SCIRICA, Circuit Judges.

(Opinion Filed November 2, 1994)

ORDER AMENDING OPINION

BECKER, Circuit Judge.

The opinion in the above-captioned case filed November 2, 1994 is amended as follows:

1. On page 4, first line under Part I, the words "with her parents" are deleted.

2. On page 15, the second sentence should now read: "The harshness of this rule prompted reaction from the federal judiciary and from Congress."

3. The word "nonpecuniary" is deleted on page 20, second line from bottom of page.

4. On page 30, footnote 29 should now read: We have alternated in our discussion between the terms "recreational boaters" and non-seamen, and we mean to sue the terms interchangeably. We do not mean to intimate that crew members of a vessel such as a racing yacht should necessarily be treated differently than someone in Natalie Calhoun's position. The applicable remedy depends on whether such crew members fall within the Jones Act as seamen.

BY THE COURT,

/s/ Edward R. Becker
Circuit Judge

DATED: November 17, 1994