



## Katherine E. Kaplan

Associate

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Katherine Kaplan is a Miami-based attorney specializing in admiralty law. Her practice focuses on a variety of maritime law matters, including personal injury, product liability and contractual disputes, under federal and state law.

Prior to her current role, Katherine worked on matters under the Longshore and Harbor Workers' Compensation Act (LHWCA). She also served as executive director to a nonprofit focused on the protection of cultural heritage.

### Education

- Tulane University School of Law (J.D., 2019)
  - Certificate of Specialization in Admiralty and Maritime Law
- Florida State University (B.A. Classical Archaeology and Art History, 2016)

### Bar Admissions

- Florida
- Louisiana

### Court Admissions

- U.S. District Court, Southern District of Florida
- U.S. District Court, Middle District of Florida

### Clerkships

- Louisiana Office of the Attorney General: Lands and Natural Resources Section

### Services

- Admiralty & Marine

- U.S. Department of Homeland Security: Immigration and Customs Enforcement

### **Professional Affiliations**

- Fort Lauderdale Mariners Club
- Lawyers' Committee for Cultural Heritage Preservation

## **Representative Matters**

Obtained summary judgment on behalf of web-based boat rental platform in action alleging the platform was liable under the Florida Livery Statute for an incident resulting from a post on the platform.

## **Client Wins**

### **Dunleavy and Kaplan Secure No-Liability Verdict in Fatal Jet Ski Collision Case**

Jonathan H. Dunleavy (Partner-Miami) and Katherine E. Kaplan (Associate-Miami) secured a defense verdict in Miami-Dade County Circuit Court, Florida, with the jury finding no liability on the part of Wilson Elser's clients in a maritime case involving a fatality. The plaintiff brought this action on behalf of the estate of a decedent, who was a passenger on a jet ski (PWC) and was killed in a collision with a 46-foot Scarab vessel owned by our clients and operated by their employed captain through the clients' yacht company.

The court entered default judgment against several co-defendants – including the PWC operator, the PWC rental company, the rental company's owner, and related yacht entities – finding their negligence to be a legal cause of the decedent's injuries and death.

The plaintiff nonetheless pursued claims against our clients, the Scarab's captain, its owners, and their yacht company, alleging that the captain negligently operated the vessel by failing to maintain a proper lookout, operate at a safe speed, avoid the collision, yield to the PWC, and render aid. The plaintiff further alleged that the vessel owner contributed to the collision through modifications to the vessel, and that the yacht company was vicariously liable for the captain's conduct.

On behalf of our clients, Jonathan and Katherine disputed liability, maintaining that the captain acted reasonably under the circumstances and that any competent boater would have taken his actions; the yacht company was not vicariously liable, and the owner's actions did not cause or contribute to the collision. They further asserted that the negligence of the parties in default and, in part, the decedent caused the incident. Framing the case through a "red light/green light" theme, Jonathan and Katherine emphasized that under navigation rules, the PWC was the give way vessel and should have altered course, i.e., had the red light. The Scarab was the stand on vessel with the green light and had the right of way.

