

Press Release

Akerman Client Wins Trial Spanning 10 Weeks

January 26, 2023

It took nearly seven years, including two-and-a-half months in court, but one Akerman client finally has satisfaction. Earlier this month, a Florida Circuit Court ruled in favor of Kyle Mussman and his company Many Waters on all counts and counterclaims in his suit against Australian yacht manufacturer Maritimo (MFG) International PTY Ltd., and their Florida based retail arm, Maritimo Offshore Yacht Sales, Inc. The case was tried by Akerman attorneys [Jonathan Robbins](#) and [Scott Miller](#), along with former Akerman attorney Paul Kobak. Robbins, said there was more at stake to his client than just the \$2.2 million yacht.

“For Mr. Mussman, this case was about showing a business can’t manipulate the system to shirk their responsibilities, nor can you use the threat of litigation to silence people,” Robbins said. Robbins is a Chambers ranked litigator based in Akerman’s Fort Lauderdale office.

Mussman purchased his yacht in 2015 with the goal of long-range cruising. With that in mind, he contracted with Maritimo to purchase its model M58 yacht, which Maritimo represented to be a long-range cruiser with best-in-class fuel capacity of 1,321 gallons. He took possession of the yacht in June, 2015 but by December it became clear to Mussman that the vessel was not getting the fuel range promised and advertised. He contacted Maritimo

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who eventually concluded they had in fact “inadvertently” reduced the size of the fuel tanks to less than 1,170 gallons when redesigning the engine room. The boat builder ultimately agreed to replace Mussman’s yacht... and then went silent, not returning Mussman’s calls or emails. Mussman did some digging and quickly discovered that Maritimo had filed for the Australian equivalent of bankruptcy, thereafter emerging as a successor entity, Maritimo (MFG) International PTY, Ltd.

Rightfully incensed, Mussman filed suit against Maritimo and began his own consumer awareness campaign against the company. This included, among other things, hiring a plane to fly a banner over a Seattle boat show Maritimo was attending (under its new business name) that read “Maritimo Yachts Files for Bankruptcy Amid Lawsuits.”

Maritimo countersued Mussman with claims including defamation, tortious interference and conspiracy with another aggrieved Maritimo owner. The case was handled more as a defense case than one brought by Mussman for the torts committed by Maritimo, but at the end of the case the jury found both Maritimo entities liable on all eight counts asserted by Mussman. Not only did Mussman prevail on the claims he asserted, the jury returned a verdict in favor of Mussman on all five of the counterclaims asserted by the Maritimo entities.

“It was a long trial, for sure. It took three days just to pick the jury. But in the end it was clear to the court that the defendant failed to deliver on what they promised and that Mr. Mussman, like any other customer in the United States, has a right to publicly call a company out on that,” Robbins said. “This was a good win and I’m proud we were able to get Mr. Mussman the justice he deserved.”