

1 MICHAEL J. HEYMAN
2 United States Attorney
3 JACKIE TRAINI
4 Assistant United States Attorney
5 Chief, Civil Division

6 BRETT A. SHUMATE
7 Assistant Attorney General
8 ERIC KAUFMAN-COHEN
9 Attorney in Charge, West Coast Office
10 Aviation, Space & Admiralty Litigation
11 Torts Branch, Civil Division, U.S. Department of Justice
12 P.O. Box 36028
13 450 Golden Gate Avenue, Room 7-5395
14 San Francisco, California 94102-3463
15 Telephone: (415) 436-6648
16 Facsimile: (415) 436-6632
17 E-mail: eric.kaufman-cohen@usdoj.gov

18 Attorneys for Plaintiff
19 United States of America

20 UNITED STATES DISTRICT COURT
21 FOR THE DISTRICT OF ALASKA

22 UNITED STATES OF AMERICA,) Case No.:
23)
24 Plaintiff,) IN ADMIRALTY
25)
26 vs.)
27)
28 DON RICHARD ETHERIDGE an individual,) VERIFIED COMPLAINT
29 and TERESA ANN ETHERIDGE, an)
30 individual, *in personam*,)
31)
32 Defendants.)
33)

34 VERIFIED COMPLAINT

35 Case No.:

1 Plaintiff, the United States of America, alleges upon information and belief as follows:

2
3 **GENERAL ALLEGATIONS**

4 1. This is a case of admiralty and maritime jurisdiction against Defendants DON
5 RICHARD ETHERIDGE and TERESA ANN ETHERIDGE *in personam*, as hereinafter more
6 fully appears, and within Rule 9(h) of the Federal Rules of Civil Procedure.

7 2. The United States is authorized to bring this suit pursuant to 28 U.S.C. § 1345,
8 33 U.S.C. §§ 1321 and 2717.

9 3. Venue is properly in this Court pursuant to 28 U.S.C. §§ 1391 and
10 33 U.S.C. § 2717.

11 4. The United States also brings this action on behalf of the Oil Spill Liability Trust
12 Fund (“Fund”), pursuant to the Oil Pollution Act of 1990, 33 U.S.C. § 2701 *et seq.*, to recover any
13 and all removal costs and damages incurred directly by the Fund, any removal costs and damages
14 incurred by the Fund through compensation paid to any claimant, and all costs incurred by the
15 Fund by reason of any such claims, including interest, prejudgment interest, adjudicative costs,
16 and attorney's fees. Pursuant to the Oil Pollution Act of 1990, 33 U.S.C. § 2712(f), the United
17 States has acquired by subrogation, or may in the future acquire by subrogation, the rights of any
18 claimant or State paid compensation from the Fund, and the United States specifically reserves the
19 right to amend this Verified Complaint to assert any or all such subrogated rights and claims.

20 5. At all times material herein, the M/V TAGISH was a vessel, *inter alia*, owned and
21 operated in the United States and at all times material herein was within the jurisdiction of this
22 Court.

23 6. At all times material herein, defendant DON RICHARD ETHERIDGE owned the
24 M/V TAGISH.

25 7. At all times material herein, defendant DON RICHARD ETHERIDGE operated
26 the M/V TAGISH.

27 8. At all times material herein, defendant DON RICHARD ETHERIDGE managed
28 the M/V TAGISH.

9. At all times material herein, defendant DON RICHARD ETHERIDGE demise

VERIFIED COMPLAINT 1 Case No.:

1 chartered the M/V TAGISH.

2 10. At all times material herein, defendant DON RICHARD ETHERIDGE controlled
3 the M/V TAGISH.

4 11. At all times material herein, and by reason of the matters alleged in this Complaint,
5 defendant DON RICHARD ETHERIDGE is a "responsible party" within the meaning of the Oil
6 Pollution Act of 1990, 33 U.S.C. § 2701, *et seq.*

7 12. At all times material herein, defendant TERESA ANN ETHERIDGE owned the
8 M/V TAGISH.

9 13. At all times material herein, defendant TERESA ANN ETHERIDGE operated the
10 M/V TAGISH.

11 14. At all times material herein, defendant TERESA ANN ETHERIDGE managed the
12 M/V TAGISH.

13 15. At all times material herein, defendant TERESA ANN ETHERIDGE demise
14 chartered the M/V TAGISH.

15 16. At all times material herein, defendant TERESA ANN ETHERIDGE controlled the
16 M/V TAGISH.

17 17. At all times material herein, and by reason of the matters alleged in this Complaint,
18 defendant TERESA ANN ETHERIDGE is a "responsible party" within the meaning of the Oil
19 Pollution Act of 1990, 33 U.S.C. § 2701, *et seq.*

20 18. At all material times the M/V TAGISH was a vessel within the meaning of, *inter*
21 *alia*, OPA, 33 U.S.C. § 2701(37).

22 19. At all times material herein, defendants DON RICHARD ETHERIDGE and
23 TERESA ANN ETHERIDGE were agents of each other and are therefore responsible and liable,
24 jointly and severally, for all of each of the others' obligations, acts, omissions, and strict liability
25 with respect to the matters alleged in this Complaint and action.

26 **VESSEL HISTORY**

27 20. The M/V TAGISH (ON 278834) was a 102-foot wood-hulled tugboat built for the
28 United States Navy in 1944. It was decommissioned in 1959. In 2004 defendants DON RICHARD
ETHERIDGE and TERESA ANN ETHERIDGE purchased the vessel with the intention of

1 restoring it.

2 **INCIDENT AND REMOVAL ACTION**

3 21. On December 29, 2022, United States Coast Guard, Sector Juneau, received
4 notification that the M/V TAGISH sank at the National Guard Pier in Juneau Harbor in the
5 Gastineau Channel. Subsequent reports advised that a sheen was observed emanating from the
6 sunken vessel.

7 22. Pollution responders from Sector Juneau's Incident Management Division
8 responded to the scene where they observed defendant DON RICHARD ETHERIDGE attempting
9 to clean the sheen of oil from the water. Thereafter, the Alaska Department of Environmental
10 Conservation provided a boom to contain the spill coming from the sunken vessel.

11 23. On that same day, December 29, 2022, the Federal On-Scene Coordinator
12 Representative (FOSCR) issued defendant DON RICHARD ETHERIDGE a Notice of Federal
13 Interest (NOFI)

14 24. On January 4, 2023, the FOSCR issued an Administrative Order to defendant DON
15 RICHARD ETHERIDGE advising him that, as a result of the continued discharge of oil from the
16 sunken vessel, it had been determined that the sunken vessel posed a substantial threat to public
17 health and welfare of the environment and ordered defendant DON RICHARD ETHERIDGE to
18 (1) continuously monitor the scene for any discharge of any oil from the vessel and (2) take
19 measures to establish a plan and an agreement with a contractor to raise and remove the vessel
20 from the waterway by January 9, 2023.

21 25. On January 9, 2023, the FOSCR determined that defendant DON RICHARD
22 ETHERIDGE had not satisfactorily responded to his Administrative Oder and thereafter issued a
23 Notice of Federal Assumption (NOFA) opening the Oil Spill Liability Trust Fund

24 26. Pursuant to the NOFA, the FOSCR hired Melino's Marine Service (MMS) to
25 undertake the raising and removal of the TAGISH from the waters of Juneau Harbor. MMS
26 subcontracted with Hamilton Construction to provide a crane and barge large enough to raise the
27 vessel from the bottom and remove it from Juneau Harbor.

28 27. MMS began planning dive and safety plans while the Hamilton Construction barge
was enroute. During the planning, it was discovered that the vessel rested approximately 10 yards

1 from the City's main sewer line. Consequently, additional measures had to be incorporated into
2 the safety plans to protect the City's sewer line.

3 28. Hamilton's barge and crane arrived on scene on February 8, 2023. On February 9,
4 recovery operations began. Several attempts were made over several days to raise the vessel from
5 the bottom of the harbor; however, the attempts were unsuccessful requiring modifications to the
6 salvage plan. Several more attempts were made over several days to salvage the vessel, and finally
7 on February 17, 2023, the TAGISH was raised to the surface and moved to the beach.

8 29. On February 19, two fuel tanks and a hydraulic tank were removed from the vessel.
9 Over the course of the next several days contractors removed fuel and oiled objects from the vessel
10 and collected loose debris. On February 23, 2023, contractors moved the vessel higher up the
11 beach.

12 30. From February 24 through the 27th contractors removed the remaining fuel tanks
13 from the vessel. By February 28 all pollutants were removed from the vessel. On March 1 the oil
14 containment booms were removed. On March 3, 2023, the Coast Guard closed the case.

15 31. The Coast Guard, National Pollution Funds Center, incurred a total of \$914,794.35
16 in costs directly related to responding to and remediating the pollution incident involving the M/V
17 TAGISH.

18 32. On November 20, 2025, NPFC presented Defendants with its claim for payment of
19 the \$914,794.35 costs incurred. To date, no payment has been made by Defendants.

20 **AS AND FOR A FIRST CAUSE OF ACTION AGAINST**
21 **DON RICHARD ETHERIDGE and TERESA ANN ETHERIDGE**
22 **(OIL POLLUTION ACT OF 1990)**

23 33. Plaintiff, United States of America, refers to and incorporates by reference as though
24 fully set forth herein each and every foregoing paragraph of this Complaint.

25 34. Pursuant to the Oil Pollution Act of 1990, each responsible party for a vessel from
26 which oil is discharged, or which poses the substantial threat of discharge, into or upon the
27 navigable waters or adjoining shorelines or the exclusive economic zone of the United States, is
28 strictly liable for all costs, damages, and/or disbursements specified in the Act.

35. Under the circumstances herein, defendants DON RICHARD ETHERIDGE and
VERIFIED COMPLAINT 4 Case No.:

1 TERESA ANN ETHERIDGE are liable to the United States of America for all such costs,
2 damages, interest, and/or disbursements, in addition to statutory attorneys' fees allowed under
3 OPA, as a result of the matters alleged herein.

4 **AS AND FOR A SECOND CAUSE OF ACTION AGAINST**
5 **DON RICHARD ETHERIDGE and TERESA ANN ETHERIDGE**
6 **(OIL POLLUTION ACT OF 1990)**

7 36. Plaintiff, United States of America, refers to and incorporates by reference as
8 though fully set forth herein each and every foregoing paragraph of this Complaint.

9 37. Pursuant to the Oil Pollution Act of 1990, the Fund shall be subrogated to all rights,
10 claims and causes of action of claimants to whom it has paid compensation.

11 38. As a result of the OPA Incidents described herein, the Fund may incur costs,
12 damages, and/or disbursements by reason of claims for removal costs and damages brought against
13 it under the Oil Pollution Act of 1990.

14 39. Pursuant to the Oil Pollution Act, DON RICHARD ETHERIDGE and TERESA
15 ANN ETHERIDGE are liable to the United States of America for all such costs, damages, and/or
16 disbursements which may be sustained by the Fund, in addition to statutory attorneys' fees allowed
17 under OPA, as a result of the matters alleged herein.

18 **AS AND FOR A THIRD CAUSE OF ACTION AGAINST**
19 **DON RICHARD ETHERIDGE and TERESA ANN ETHERIDGE**
20 **(OIL POLLUTION ACT OF 1990)**

21 40. Plaintiff, United States of America, refers to and incorporates by reference as though
22 fully set forth herein each and every foregoing paragraph of this Complaint.

23 41. Pursuant to the Oil Pollution Act of 1990, 33 U.S.C. § 2717(f)(2), the United States
24 is entitled to, and hereby seeks, a declaratory judgment that is binding in any subsequent action or
25 actions against defendants DON RICHARD ETHERIDGE and TERESA ANN ETHERIDGE that
26 said defendants are liable for removal costs and damages in any such subsequent action or actions.

27 //

28 //

VERIFIED COMPLAINT

5

Case No.:

1 **AS AND FOR A FOURTH CAUSE OF ACTION AGAINST**
2 **DON RICHARD ETHERIDGE and TERESA ANN ETHERIDGE**

3 **(28 U.S.C. § 3001, et seq.)**

4 42. Plaintiff, United States of America, refers to and incorporates by reference as though
5 fully set forth herein each and every foregoing paragraph of this Complaint.

6 43. Despite the liability, including strict liability, of defendants to the United States, all
7 as alleged in this verified Complaint, on information and belief defendants DON RICHARD
8 ETHERIDGE and TERESA ANN ETHERIDGE in breach of law, including, but not limited to, in
9 violation of the provisions of the Federal Debt Collection Procedures Act, 28 U.S.C. § 3001 et
10 seq., have, inter alia, instead of discharging debts owed to the United States, transferred, sold, spun
11 off, and assigned assets so as to prejudice and cause irreparable harm to the United States.

12 44. Despite the liability, including strict liability, of defendants to the United States, all
13 as alleged in this verified Complaint, on information and belief defendants DON RICHARD
14 ETHERIDGE and TERESA ANN ETHERIDGE, in breach of law, may hereafter transfer, sell,
15 spin off, and assign, or attempt to transfer, sell, spin off, and assign their assets, including real
16 property, so as to prejudice and cause irreparable harm to the United States.

17 45. All such prior and future actions as alleged in the foregoing paragraphs have caused
18 damages, and will cause damages, to the United States in an amount to be established according
19 to proof at trial.

20 46. All such future actions as alleged in the foregoing paragraphs will continue to cause
21 irreparable harm to the United States. As a result of the foregoing, defendants DON RICHARD
22 ETHERIDGE and TERESA ANN ETHERIDGE shall, pursuant to law and statute, be enjoined
23 from further transferring, selling, spinning off, and assigning, or attempting to transfer, sell, spin
24 off, and assign, their assets, including real property, so as to prejudice and cause irreparable harm
25 to the United States.

26 **AS AND FOR A FIFTH CAUSE OF ACTION AGAINST**
27 **DON RICHARD ETHERIDGE and TERESA ANN ETHERIDGE**

28 **(PRIORITY OF GOVERNMENT CLAIMS, 31 U.S.C. § 3713)**

47. Plaintiff, United States of America, refers to and incorporates by reference as though

1 fully set forth herein each and every foregoing paragraph of this Complaint.

2 48. Despite the liability, including strict liability, of defendants to the United States, all
3 as alleged in this verified Complaint, on information and belief defendants DON RICHARD
4 ETHERIDGE and TERESA ANN ETHERIDGE, in breach of law, have, instead of discharging
5 debts owed to the United States, transferred, sold, spun off, and assigned assets so as to prejudice
6 and cause irreparable harm to the United States.

7 49. Despite the liability, including strict liability, of defendants to the United States, all
8 as alleged in this verified Complaint, on information and belief defendants DON RICHARD
9 ETHERIDGE and TERESA ANN ETHERIDGE, in breach of law, including, but not limited to,
10 may hereafter transfer, sell, spin off, and assign, or attempt to transfer, sell, spin off, and assign
11 their assets, including proceeds of insurance, so as to prejudice and cause irreparable harm to the
12 United States.

13 50. All such prior and future actions as alleged in the foregoing paragraphs have caused
14 damages, and will cause damages, to the United States in an amount to be established according
15 to proof at trial.

16 51. All such future actions as alleged in the foregoing paragraphs will continue to cause
17 irreparable harm to the United States. Pursuant to law and statute, defendants DON RICHARD
18 ETHERIDGE and TERESA ANN ETHERIDGE and their officers, servants, employees,
19 representatives, agents, fiduciaries, or other individuals and entities acting on their behalf or with
20 their authorization, are required to discharge their foregoing debt to the United States prior to
21 discharging any other debt or payment.

22 52. To the extent that defendants DON RICHARD ETHERIDGE and TERESA ANN
23 ETHERIDGE, and/or their officers, servants, employees, representatives, agents, fiduciaries, or
24 other individuals and entities acting on their behalf or with their authorization, have discharged
25 claims or debts to any other person or entity other than the United States, or in the future discharge
26 claims or debts to any person or entity other than the United States in contravention of, inter alia,
27 31 U.S.C. § 3713, defendants DON RICHARD ETHERIDGE and TERESA ANN ETHERIDGE,
28 and/or their officers, servants, employees, representatives, agents, fiduciaries, or other individuals
and entities acting on their behalf or with their authorization, are liable to the United States for the
amount of any such payments.

1 53. With respect to any payments in contravention of 31 U.S.C. § 3713, and pursuant to
2 31 U.S.C. § 3713(b), any and all officers, servants, employees, representatives, agents, fiduciaries,
3 or other individuals and entities making such payments are personally liable to the United States
4 for the amount of any such payments.

5 54. The United States reserves the right to amend this Complaint to add additional
6 claims, causes of action, and parties, including , but not limited to, in their individual capacity, any
7 and all officers, servants, employees, representatives, agents, fiduciaries, or other individuals and
8 entities who, in contravention of 31 U.S.C. § 3713(a) and (b), have already
9 discharged, or in the future discharge, claims or debts to any person or entity other than the United
10 States.

11 **WHEREFORE**, the United States of America prays as follows:

12 1. That United States of America be granted judgment against DON RICHARD
13 ETHERIDGE and TERESA ANN ETHERIDGE *in personam*, pursuant to the complaint of the
14 United States herein;

15 2. That the United States of America be granted declaratory judgment against DON
16 RICHARD ETHERIDGE and TERESA ANN ETHERIDGE *in personam*, for removal costs or
17 damages binding on any subsequent action or actions to recover further removal costs or damages,
18 plus interest, costs, disbursements, and attorneys' fees;

19 3. The United States expressly reserves the right to amend this complaint to add
20 parties and/or causes of action, as may be necessary;

21 4. For such other relief as the Court deems just and proper in the premises.

22 Dated: February 24, 2026

BRETT A. SHUMATE
Assistant Attorney General

24 s/Eric Kaufman-Cohen
25 ERICKAUFMAN-COHEN
26 Attorney in Charge, West Coast Office
27 Aviation, Space & Admiralty Litigation
28 Torts Branch, Civil Division
U.S. Department of Justice

VERIFIED COMPLAINT

8

Case No.:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Of Counsel
SHAWN WOLSEY
National Pollution Funds Center
United States Coast Guard

Attorneys for Plaintiff
United States of America

1
2 **VERIFICATION**

3 Eric Kaufman-Cohen says:

4 I am one of the attorneys for plaintiff, United States of America, herein, and make this
5 verification by authority for and on its behalf; I have read the foregoing Complaint, know the
6 contents thereof, and from information officially furnished to me believe the same to be true.

7 I verify under penalty of perjury, in accordance with 28 U.S.C. § 1746, that the foregoing
8 is true and correct.

9 Dated: February 24, 2026

s/Eric Kaufman-Cohen
ERIC KAUFMAN-COHEN