



JUGE NAPOLITANO

GUILBEAU RULI FRIEMAN APLC

Ronnie Price and Quentien Rogers v. Longnecker Properties

Price and Rogers, who were employed as riggers on temporary assignment—stripping them of consideration for Jones Act Seaman—to a Seacor owned and operated vessel, SEACOR CONQUEST, concocted a story that attempted to take advantage of a very minor collision. This collision did not occur between two vessels, but rather between the large steel-hulled workboat upon which they were temporarily assigned as riggers for Longnecker and a passing shrimpboat's trawl lines.

The effect was fairly dramatic on the shrimp boat, twirling it around a couple times, but produced no perceptible effects on the large workboat for Price and Rogers or anyone else. Price claimed he was pitched off a sofa in the galley and Rogers claimed he was projected out of his bunk bed while sleeping.

Rogers was alone in the sleeping quarters so there were no witnesses to his fabrication. Two of the vessel's crewmembers were located in the same vicinity as Price and perceived no force from the incident and were first made aware that something had happened from the sound and vibration resulting when the Captain reversed engines and maneuvered to avoid striking the hull of the shrimp boat. Neither one saw Price on the floor either.

Though this was a difficult case to litigate and required substantial discovery to support our defense, with the gracious cooperation of Seacor, the Juge-Napolitano team was only able to prove this by deposing nearly every crew member on the vessel, including one co-worker who refused to feign injury when approached by Price and Rogers.

At the formal hearing, numerous inconsistencies and credibility challenges were detailed to the ALJ regarding the claimants' testimonies about the incident and aftermath. That cooperation proved to be beneficial to both Longnecker and Seacor which, based upon the ALJ's ruling in our case—after unsuccessful appeals to the BRB and US 5th Cir.—were able to obtain a summary judgment dismissal on grounds that claimants had no accident or injury upon which to base the third party suit against the vessel owner interests.

The ALJ actually determined that the weight of the probative evidence convinced him that more likely than not, the claimants attempted to perpetuate a fraud on the court. Both cases were dismissed.