

RECENT CASES

ADMIRALTY

Seaman struck by mooring line while undocking: Unseaworthiness: Fractured pelvis: Postverdict settlement.

Adams v. Horizon Lines, Inc., U.S. Dist. Ct., S.D.N.Y., No. 1:07-cv-01736, Apr. 25, 2008.

Adams, 48, a recertified bosun, was sailing aboard a vessel as an able-bodied seaman when he was struck by a mooring line that parted under tension while the boat was undocking from a pier. Adams sustained a fractured pelvis, requiring irrigation and debridement, open reduction, and internal fixation. Shortly thereafter, he developed a methicillin-resistant *Staphylococcus aureus* infection, which required removal of the hardware. Adams's past medical costs were covered by maintenance and cure, and he claimed about \$125,000 in estimated future medical costs. Adams had earned about \$80,000 annually but is no longer fit for sea duty. He claimed about \$100,000 in past lost wages and an estimated \$850,000 in future lost wages.

Adams sued his employer, the vessel owner, alleging unseaworthiness in that the ship's line parted.

Defendant stipulated to liability, and the trial proceeded on damages only. Defendant contended that plaintiff was exaggerating his symptoms and had made a full recovery.

The jury awarded plaintiff about \$7.6 million. Defendant's insurer paid \$1.9 million plus waiver of approximately \$50,000 in wage continuation benefits already paid by defendant.

Plaintiff's expert witnesses in this case included Aric Hausknecht, neurology, and Herbert Sherry, orthopedics, both of New York, N.Y.; Charles Kincaid, vocational rehabilitation, Hackensack, N.J.; Harold S. Parnes, radiology, Brooklyn, N.Y.; and Ronald Missun, economics, Louisville, Ky.

Defendant's experts included Benjamin Rosenstadt, orthopedics, New York, N.Y.; and Peter Tsairis, neurology, Morristown, N.J.

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