



Merchant mariner claimed vessel did not have proper equipment

Type: Verdict-Plaintiff

Amount: \$7,000,000

State: New York

Venue: Federal

Court: U.S. District Court, Eastern District, NY

Injury Type(s):

- *back* - herniated disc
- *neck* - herniated disc; fusion, cervical; herniated disc, cervical; herniated disc at C4-5; herniated disc, cervical; herniated disc at C5-6; herniated disc, cervical; herniated disc at C6-7
- *other* - physical therapy
- *neurological* - reflex sympathetic dystrophy; complex regional pain syndrome
- *surgeries/treatment* - discectomy

Case Type:

- *Workplace* - Workplace Safety
- *Admiralty/Maritime* - Jones Act; Unseaworthiness

Case Name: Jay A. Goss v. Sealift Inc. and Sagamore Shipping, LLC, No. 1:19-cv-05123-CLP

Date: February 01, 2024

Plaintiff(s):

- Jay A. Goss, (Male, 50 Years)

Plaintiff Attorney(s):

- Andrew V. Buchsbaum; Friedman, James & Buchsbaum LLP; New York NY for Jay A. Goss
- James Jacobsen; Stacey & Jacobsen, PLLC; Seattle WA for Jay A. Goss
- Nigel T. Stacey; Stacey & Jacobsen, PLLC; Seattle WA for Jay A. Goss

Plaintiff Expert(s):

- Arthur Faherty; Marine; Seattle, WA called by: Andrew V. Buchsbaum, James Jacobsen, Nigel T. Stacey

Defendant(s):

- Sealift Inc.
- Sagamore Shipping LLC

Defense Attorney(s):

- Gregory W. O'Neill; Hill, Betts & Nash LLP; New York, NY for Sagamore Shipping LLC, Sealift Inc.
- Mary T. Reilly; Hill, Betts & Nash LLP; New York, NY for Sagamore Shipping LLC, Sealift Inc.
- Kevin J. O'Donnell; Hill, Betts & Nash LLP; New York, NY for Sagamore Shipping LLC, Sealift Inc.

Defendant Expert(s):

- Alan Colletti; Marine; Tinton Falls, NJ called by: for Gregory W. O'Neill, Mary T. Reilly, Kevin J. O'Donnell
- Samuel Rapoport M.D.; Neurology; New York, NY called by: for Gregory W. O'Neill, Mary T. Reilly, Kevin J. O'Donnell

Insurers:

- The American Club

Facts:

On Oct. 27, 2017, plaintiff Jay Goss, 50, a merchant mariner, was employed on a vessel that was docked in South Korea. Goss claimed that he suffered a neck injury while lifting a heavy platform.

Goss sued the vessel's owner/operator, Sealift Inc., and a related entity, Sagamore Shipping LLC. Goss alleged that the defendants violated the Jones Act and that the subject vessel was unseaworthy.

Goss contended that he was ordered to lift the platform in question. He claimed he was not provided an assistive device.

The defense maintained that Goss did not require assistance nor a mechanical lifting device.

Injury:

Goss claimed C4-5, C5-6 and C6-7 herniations. He said these injuries led to complex regional pain syndrome.

Goss received physical therapy and underwent an anterior cervical discectomy and fusion. He never returned to work following the incident.

Goss sought recovery of damages for his past and future pain and suffering.

The defense argued that Goss' injuries were pre-existing and degenerative.

Result: The jury determined that the defendants were negligent and that their negligence contributed to Goss' injury. The jury also concluded that the vessel was unseaworthy and that the unseaworthiness contributed to Goss' injury.

The jury awarded Goss \$7 million.

Jay Goss

\$ 5,000,000 Future Pain Suffering

\$ 2,000,000 Past Pain Suffering

\$ 7,000,000 Plaintiff's Total Award

Trial Information:

Judge: Cheryl L. Pollak

Trial Length: 4 days

**Trial
Deliberations:** 2 hours

**Editor's
Comment:** This report is based on information that was provided by plaintiff's counsel. Additional information was gleaned from court documents. Defense counsel did not respond to the reporter's phone calls.

Writer JCohen