

# The Louisiana Jury Verdict Reporter

The Most Current and Complete Summary of Louisiana Jury Verdicts

April 2022

Statewide Jury Verdict Coverage

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## Civil Jury Verdicts

Timely coverage of civil jury verdicts in Louisiana including court, division, presiding judge, parties, case number, attorneys and results.

### **Marine Negligence - The plaintiff sustained a crush injury to his dominant hand when a hatch on a large ocean-going vessel closed on it as deliveries were being made to a U.S. base in Antarctica – a New Orleans jury awarded the plaintiff \$1.379 million in general damages plus \$200,000 more in punitive damages**

*Mincker v. Waterman Steamship*, 2:20-1173

Plaintiff: Timothy J. Young and Joseph B. Marino, III, *The Young Firm*, New Orleans

Defense: T. Patrick Baynham and Andrew V. Waters, *Jones Walker*, New Orleans

Verdict: \$2,426,000 for plaintiff plus \$40,000 maintenance damages

Federal: **New Orleans**

Judge: Nanette J. Brown

Date: 3-15-22

James Mincker, then age 48 and a long-time merchant mariner, was working for Waterman Steamship on 2-1-20 onboard the large ocean-going vessel, the Ocean Giant. The ship was making a summertime delivery to the U.S. base in McMurdo Sound, Antarctica.

As the work was being done, a hatch on the ship to the cargo hold would not close properly. Mincker, a bosun on the ship, was asked to investigate and was checking the hatch for obstructions. Suddenly the hydraulics failed and the hatch closed on his left (dominant) hand. Mincker suffered a severe crush injury.

Mincker was initially treated at the base in Antarctica before being

transferred to a hospital in New Zealand for surgery. Despite multiple repair surgeries, Mincker's hand remains stuck in a claw shape. There was proof he could have an additional surgery to amputate two fingers and thereby release the claw position. Beyond his physical injuries, Mincker, a U.S. citizen who lives in the Philippines, has also reported PTSD and emotional symptoms. The effect of his injuries has left him disabled from working.

Mincker sued Waterman Steamship in this Jones Act lawsuit and alleged negligence by it in failing to maintain the hatch. There was proof the hatch had been stuck for some time, there were small broken parts obstructing it, and that the hydraulics were failing. Rather than repair the problem, the Ocean Giant crew had simply jammed the hatch shut. This then set the stage for Mincker's injuries. Mincker's liability expert on marine safety was Gregg Perkin.

Mincker sought medical and lost wages specials (both past and future) as quantified by Randolph Rice, Economist and Thomas Meunier, Vocational Expert. The plaintiff also sought non-economic damages in four categories, physical suffering, emotional suffering, disfigurement and loss of enjoyment of life. Mincker also sought the imposition of punitive damages.

As the case was framed for the jury, there were counts for both "negligence" and "seaworthiness." The jury then could apportion fault between those two categories and also