

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

DAVID THOMAS	*	CIVIL ACTION
	*	
VERSUS	*	NO.
	*	
OCEANEERING INTERNATIONAL, INC.	*	SECTION:
	*	
	*	JURY DEMAND
* * * * * *	*	

COMPLAINT

Complainant, **DAVID THOMAS**, a person of the full age of majority and resident of the State of Louisiana, through undersigned counsel, brings this action against **OCEANEERING INTERNATIONAL, INC.**, (hereinafter “respondent”), and avers:

JURISDICTION AND PARTIES

I.

Jurisdiction of this Honorable Court is based on the Jones Act, (46 U.S.C. § 30104, *et. seq.*), and under the general maritime law for general maritime negligence, unseaworthiness and for maintenance and cure.

II.

Parties named herein are as follows:

1. Named Complainant herein is:

DAVID THOMAS, a resident of the full age of majority of the State of Louisiana;

2. Named Respondent herein is:

OCEANEERING INTERNATIONAL, INC., a domestic corporation authorized to do and doing business in the State of Louisiana.

III.

The amount in controversy herein exceeds the minimal jurisdictional requirements of this Honorable Court, exclusive of interest and costs.

IV.

At all times pertinent herein **OCEANEERING INTERNATIONAL, INC.**, was the owner and operator of the **DSV OCEAN PROJECT**.

FACTS

V.

On or about 27 October 2011, Complainant, **DAVID THOMAS**, was employed by **OCEANEERING INTERNATIONAL, INC.**, as a seaman and member of the crew of the **DSV OCEAN PROJECT**, a vessel under the ownership, control and authority of Respondent, **OCEANEERING INTERNATIONAL, INC.**, as the **DSV OCEAN PROJECT** was conducting commercial diving operations in the Gulf of Mexico.

VI.

On the aforementioned date Complainant, **DAVID THOMAS**, while swinging from a swing rope from a platform to the **DSV OCEAN PROJECT** sustained a severe and disabling injury to his shoulder.

VII.

As a result of the aforementioned incident, Complainant, **DAVID THOMAS**, was caused to sustain severe and disabling injuries to his body.

VIII.

As a direct result of the incident aforementioned in Paragraphs, your Complainant, **DAVID THOMAS**, has sustained a disability, incurred and will continue to incur in the future loss of wages, found, fringe benefits, earning capacity and has incurred and will incur in the future, medical expenses and other financial losses, for which he is entitled to recover from **OCEANEERING INTERNATIONAL, INC.**

CAUSES OF ACTION

JONES ACT

IX.

Complainant's damages were the proximate and direct result of the following negligent acts of the Respondent, **OCEANEERING INTERNATIONAL, INC.**, in its operation and maintenance of the task at hand and in the operation of the **DSV OCEAN PROJECT**, complainant's working conditions and in the supervision of and planning and direction of the work of the vessel's crew.

GENERAL MARITIME LAW

UNSEAWORTHINESS and NEGLIGENCE

X.

At all times pertinent hereto, Respondent, **OCEANEERING INTERNATIONAL, INC.**, owned, controlled, operated, provisioned and manned the **DSV OCEAN PROJECT**, upon which **DAVID THOMAS** was assigned during his employment with **OCEANEERING INTERNATIONAL, INC.**

XI.

Under the General Maritime Law, it was the duty of Respondent, **OCEANEERING INTERNATIONAL, INC.**, to furnish Complainant, **DAVID THOMAS**, with a safe place in which to work and with safe gear, appurtenances, equipment, a properly manned vessel and to conduct operations aboard the vessel in a safe and proper manner; in connection with Complainant's injuries and disability, **OCEANEERING INTERNATIONAL, INC.**, was negligent in the operation of the vessel and its operations on or about 27 October 2011.

XII.

Complainant avers that through the actions and/or inactions of **OCEANEERING INTERNATIONAL, INC.**, that the **DSV OCEAN PROJECT** on which Complainant was assigned was rendered unseaworthy.

XIII.

The injuries, disabilities and damages sustained by Complainant in the aforementioned paragraphs of this Complaint were caused by the unseaworthy condition of the **DSV OCEAN PROJECT** on which Complainant was assigned during his employment for **OCEANEERING INTERNATIONAL, INC.**, and by the negligence of **OCEANEERING INTERNATIONAL, INC.**, in the operation of said vessel and operations on or about 27 October 2011.

JURY TRIAL

XIV.

Complainant, **DAVID THOMAS**, desires and is entitled to a trial by jury on the issues sued upon herein.

WHEREFORE,

1. Complainant, **DAVID THOMAS**, prays for judgment against Respondent, **OCEANEERING INTERNATIONAL, INC.**, in an amount as may be proper in the premises, and for all costs and disbursements in this action, and for all general and equitable relief.

2. Complainant, **DAVID THOMAS**, also prays for judgment against **OCEANEERING INTERNATIONAL, INC.**, requiring **OCEANEERING INTERNATIONAL, INC.**, to provide appropriate medical care and rehabilitation due Complainant and for all maintenance and cure benefits due Complainant under the law, in addition to attorney's fees, damages and costs for instituting this cause of action.

Complainant, **DAVID THOMAS**, further prays for trial by jury.

Respectfully submitted,

DELISE & HALL

s/Bobby J. Delise

BOBBY J. DELISE T.A. (#4847)

ALTON J. HALL, JR. (#20846)

7924 Maple Street

New Orleans, LA 70118

Telephone: (504) 836-8000

Telecopier: (504) 836-8020

bdelise@divelawyer.com

Counsel for Complainant,

DAVID THOMAS

WAIVE SERVICE AT THIS TIME FOR:
OCEANEERING INTERNATIONAL, INC.