

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

CHARLES PAES

CIVIL ACTION

VERSUS

No. 12-1069

ROWAN COMPANIES, INC.

SECTION 'T'

ORDER

Before the Court is a motion<sup>1</sup> filed by defendant, Rowan Companies, Inc., for partial summary judgment as well as a credit for sums expended on maintenance and cure, such credit to be applied against any damages award.<sup>2</sup> Plaintiff, Charles Paes, has filed an opposition.<sup>3</sup>

The Court has considered the memoranda submitted by the parties, the summary judgment evidence offered, and the law. In light of the disputed nature of the previous injury, if any, to plaintiff's right shoulder, the Court finds that there remain genuine issues of material fact regarding whether a connection exists between the withheld information and the injury complained of in this lawsuit. *See Brown v. Parker Drilling Offshore Corp.*, 410 F.3d 166, 177 n.9 (5th Cir. 2005) (citing cases); *Owens v. Abdon Callais Offshore, LLC*, No. 10-3296, 2011 WL 2443687, at \*5 (E.D. La. June 14, 2011) (Vance, J.); *Wilson v. Kevin Gros Offshore, Inc.*, No. 10-1514, 2011 WL 121734, at \*2 (E.D. La. Jan. 12, 2011) (Barbier, J.); *Parker v. Jackup Boat Service, LLC*, 542 F. Supp. 2d 481, 494-95 (E.D. La. 2008) (Zainey, J.). Accordingly,

**IT IS ORDERED** that Rowan Companies, Inc.'s motion for partial summary judgment and a credit for maintenance and cure is **DENIED**.

New Orleans, Louisiana, December 17, 2012.

  
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LANCE M. AFRICK  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> R. Doc. No. 15.

<sup>2</sup> *See McCorpen v. Cent. Gulf S.S. Corp.*, 396 F.2d 547 (5th Cir. 1968).

<sup>3</sup> R. Doc. No. 18.