

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

PETER ANGELLE

VERSUS

SPARTAN OFFSHORE DRILLING LLC

CIVIL ACTION

NO. 17-7707

SECTION "L" (2)

ORDER & REASONS

In this Order & Reasons, the Court considers *sua sponte* the availability of jury to the case at bar. This maritime personal injury case arises from injuries Plaintiff Peter Angelle allegedly sustained while aboard the SPARTAN 208, a jack-up drilling vessel owned, operated, and controlled by Defendant Spartan Offshore Drilling, LLC (“Spartan”). R. Doc. 4 at 1. Although Plaintiff initially brought this action pursuant to the Outer Continental Shelf Lands Act, general maritime law, and the Jones Act against Spartan and Plaintiff’s employer Gordon Reed & Associates (“GRA”)—which the Court dismissed on June 18, 2018, R. Doc. 16—Plaintiff has since amended his complaint and now brings his claims pursuant to Federal Rule of Civil Procedure 9(h), thereby waiving his right to a jury trial, R. Doc. 22 at 3. *See T.N.T. Marine Serv., Inc. v. Weaver Shipyards & Dry Docks, Inc.*, 702 F.2d 585, 587–88 (5th Cir. 1983). In his initial complaint, however, Plaintiff made a jury demand. R. Doc. 1. Moreover, prior to being dismissed, GRA also made a jury demand. R. Doc. 10.

Despite Plaintiff’s second amended complaint brining claims under Rule 9(h) only, these demands have not been explicitly withdrawn and therefore remain active on the docket. Because Plaintiff has elected to proceed with all of his claims in admiralty, the Court denies these jury demands *sua sponte* pursuant to Federal Rule of Civil Procedure 39(a)(2).

Accordingly;

IT IS ORDERED that the clerk of court designate this action as a non-jury trial.

New Orleans, Louisiana, this 25th day of July, 2019.


UNITED STATES DISTRICT JUDGE