

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

RICHIE WILSON

CIVIL ACTION

VERSUS

NO. 18-13952

FLORIDA MARINE  
TRANSPORTERS, LLC AND  
WARREN PAVING, INC.

SECTION M (3)

**ORDER & REASONS**

Before the Court is a motion by plaintiff Richie Wilson for partial summary judgment in which he seeks an order recognizing that the following facts are undisputed:

- (1) Richie Wilson is a Jones Act seaman;
- (2) the *M/V Samuel J* is a “vessel” within the meaning of the Jones Act;
- (3) PBC Management, LLC is Richie Wilson’s nominal, paying Jones Act employer;
- (4) Richie Wilson is the “borrowed servant” of Florida Marine Transporters, LLC pursuant to the factors set forth in *Ruiz v. Shell Oil Co.*, 413 F.2d 310 (5th Cir. 1969);
- (5) Florida Marine Transporters, LLC is also Richie Wilson’s Jones Act employer; and
- (6) FMT Industries, LLC is the owner of the *M/V Samuel J* for purposes of the claims asserted under the general maritime law.<sup>1</sup>

Defendants Florida Marine Transporters, LLC, PBC Management, LLC and FMT Industries, LLC (collectively, “Respondents”) respond to the motion stating that, while they do not dispute any of the foregoing facts, summary judgment is not necessary because these facts will be listed as undisputed in the pretrial order, which makes them binding for trial.<sup>2</sup> They suggest that the

---

<sup>1</sup> R. Doc. 92.

<sup>2</sup> R. Doc. 121. Wilson filed a reply memorandum, which was also considered by the Court. R. Doc. 133.


Court order the parties to stipulate to these facts in the pretrial order in lieu of granting the motion for summary judgment.<sup>3</sup>

Because all of the facts listed by Wilson are undisputed and stipulated by Respondents, it is unnecessary for this Court to grant a motion for summary judgment on such issues. Accordingly,

IT IS ORDERED that the parties include their stipulation to the above-listed uncontested facts in the pretrial order, which stipulation has been made by virtue of the representations in their respective motion papers.

IT IS FURTHER ORDERED that Wilson's motion for summary judgment (R. Doc. 92) is DENIED as moot in light of the foregoing relief to which Respondents agreed.

New Orleans, Louisiana, this 1<sup>st</sup> day of November, 2019.

  
BARRY W. ASHE  
UNITED STATES DISTRICT JUDGE

---

<sup>3</sup> *Id.* at 4.