

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

TREVOR RUIZ

VERSUS

TURN SERVICES, LLC

CIVIL ACTION

NO. 19-1400

SECTION "L" (4)

ORDER & REASONS

The Plaintiff, an employee of defendant Turn Services, was injured while in the course and scope of his employment as a seaman or member of the crew of the *M/V Affirmed*. His medical expenses were paid by Medicaid. His employer, Turn Services, filed a motion for partial summary judgment dismissing the Plaintiff's claim for "cure." R. Doc. 131. The employer's responsibility to pay maintenance is not in dispute, the only issue is cure. The question presented is whether payment by Medicaid satisfied his employer's responsibility to pay "cure."

This matter came on for hearing before the Court on February 17, 2021. After reviewing the briefs and hearing oral argument the Court concluded that payment by Medicaid satisfied the employer's obligation to pay cure with the exception of any out of pocket expenditures. The Court noted that, historically, the availability of cost-free cure at the United States Public Health Services marine hospitals satisfied the shipowner's cure obligation. Today, Turn Service's cure obligation is satisfied by Medicaid since it is the functional equivalent of the previously available free treatment at the Public Health Services hospitals. *See FORCE & NORRIS, 2 THE LAW OF SEAMEN*, § 26:25 (5th ed. 2016); *see also Moran Towing & Transp. Co. v. Lombas*, 58 F.3d 24, 25 (2d Cir. 1995); *In re GulfPride Marine Services*, No. 96-1104, 1997 WL 118394, at *13 (E.D. La. Mar. 14, 1997).

Plaintiff now moves for a Judgment under Rule 54(b) of the Federal Rules of Civil Procedure, to which Defendants consent. R. Doc. 145. Since this Order and Reasons resolves one of the claims in this matter but leaves other claims, the Court will enter a partial Judgment under Rule 54(b). Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Entry of Final Judgment Pursuant to FRCP 54(b) be **GRANTED**. The Court will issue a separate Judgment following this Order and Reasons.

New Orleans, Louisiana, this 27th day of May 2020.


UNITED STATES DISTRICT JUDGE