

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

CLIFFORD ANTHONY

CIVIL ACTION

VERSUS

NO. 23-1400

HELIX ALLIANCE DECOM, ET AL.

SECTION "R" (4)

ORDER

Before the Court is plaintiff's motion to strike defendants' jury demand.¹ The motion is unopposed.² Defendants' decision not to oppose the motion may be treated as consent to a nonjury trial. *See Moser v. Tex. Trailer Corp.*, 623 F.2d 1006, 1010-11 (5th Cir. 1980); *Gilmore v. Lake Charles PC, L.P.*, No. 15-4098, 2016 WL 3039813, at *2 (E.D. La. May 27, 2016). Further, plaintiff elected to file his original and amended complaints as admiralty and maritime actions under Federal Rule of Civil Procedure 9(h).³ Accordingly, "there is no right to a jury trial" in this case. *T.N.T. Marine Serv., Inc. v. Weaver Shipyards & Dry Docks, Inc.*, 702 F.2d 585, 587 (5th Cir. 1983); *see Poincon v. Offshore Marine Contractors, Inc.*, 9 F.4th 289, 295 n.3 (5th Cir. 2021) ("Had [plaintiff] made a proper Rule 9(h)

¹ R. Doc. 25.

² R. Doc. 26.

³ R. Doc. 1 ¶ 5; R. Doc. 29 ¶ 5.

designation . . . the district [court] could have simply denied [plaintiff's] jury demand.”); *Luera v. M/V Alberta*, 635 F.3d 181, 196 (5th Cir. 2011) (noting that “[n]o statute, rule, or constitutional provision confers . . . a right” to a jury trial in claims brought under admiralty jurisdiction).

Because defendants do not oppose the motion to strike, and because the Court finds that there is no federal right to a jury trial in this action, plaintiff's motion to strike defendants' demand for a jury trial is GRANTED.

New Orleans, Louisiana, this 15th day of November, 2023.


SARAH S. VANCE
UNITED STATES DISTRICT JUDGE