

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

BUFORD SAWYER	*	CIVIL ACTION
VERSUS	*	DOCKET NO.: _____
WHC MAINTENANCE SERVICES, INC.; RED JOHNSON; CRAIN BROTHERS, INC.; AND JOHN DOE	*	JUDGE:
	*	MAGISTRATE JUDGE:

COMPLAINT

NOW INTO COURT, through undersigned counsel, comes BUFORD SAWYER, a person of full age of majority domiciled in the Parish of Vernon, State of Louisiana, who with respect represents:

1.

Made defendants herein are:

- A. WHC MAINTENANCE SERVICES, INC.,** by information and belief is a domestic corporation domiciled in and licensed to do and doing business in the State of Louisiana, and that is served through its registered agent for service of process located at 300 Industrial Trace, Broussard, LA 70518;
- B. RED JOHNSON,** an employee of WHC MAINTENANCE SERVICES, INC. who, at all times pertinent to this lawsuit, was acting in the course and scope of his employment with WHC MAINTENANCE SERVICES, INC.;
- C. CRAIN BROTHERS, INC.,** by information and belief is a domestic corporation domiciled in and licensed to do and doing business in the State of Louisiana, and that is served through its registered agent for service of process located at One Lakeside Plaza, Lake Charles, LA 70601; and
- D. JOHN DOE,** by information and belief, an employee of CRAIN BROTHERS, INC. who, at all times pertinent to this lawsuit was acting in the course and scope of his employment with CRAIN BROTHERS, INC.

2.

It is alleged upon information and belief that defendant WHC MAINTENANCE SERVICES, INC. was at all material times the owner, owner pro hac vice and/or manager of the unnamed vessel at issue in this lawsuit but for identification purposes referred to herein as VESSEL 1.

3.

It is further alleged that defendant CRAIN BROTHERS, INC. was at all material times the owner, owner pro hac vice and/or manager of the unnamed vessel at issue in this lawsuit but for identification purposes referred to herein as VESSEL 2.

4.

It is further alleged that defendant WHC MAINTENANCE SERVICES, INC. was at all material times the Jones Act employer of BUFORD SAWYER.

5.

The accident that is the subject of this lawsuit occurred on navigable waters of the U.S.A. pursuant to 46 U.S.C.A. § 740.

6.

On September 14, 2011, petitioner BUFORD SAWYER was an employee of WHC MAINTENANCE SERVICES, INC. working in the course and scope of his employment as a brown water seaman attached to VESSEL 1 and/or a fleet of vessels owned and/or chartered by WHC MAINTENANCE SERVICES, INC. in navigable waters on Sabine River and or its navigable tributaries when he was caused serious personal injuries as a result of the negligence of CRAIN BROTHERS, INC., JOHN DOE and/or the defective, unseaworthy and hazardous condition of VESSEL 2 and/or WHC MAINTENANCE SERVICES, INC. and/or RED JOHNSON and/or the defective, unseaworthy and hazardous condition of VESSEL 1 in the following nonexclusive particulars discussed herein.

7.

Two to three months before the accident in September 2011, BUFORD SAWYER was employed by WHC MAINTENANCE SERVICES, INC. as a crew leader. For approximately one month before the accident, he had been on a “skipper boat”—by reason and belief VESSEL 1 and/or a fleet of vessels under common ownership and control by WHC MAINTENANCE SERVICES, INC. in navigable waters assisting in piping activity.

8.

On September 14, 2011 BUFORD SAWYER was traveling in VESSEL 1 which was piloted by RED JOHNSON in navigable waters for purposes of admiralty jurisdiction. Suddenly and without warning, VESSEL 2 collided with VESSEL 1 causing BUFORD SAWYER serious personal injuries which have resulted in past and future physical and mental pain and suffering, past and future loss of enjoyment of life, past and future disability, past and future loss of earnings and loss of earning capacity, and that have necessitated that he incur medical expenses both past and future, lost found, all of which entitles him to recover a sum reasonable in the premises, as well as maintenance and cure.

9.

The above described injuries resulted from the fault and/or negligence of CRAIN BROTHERS, INC. (and their employees, including but not limited to JOHN DOE and/or the unseaworthiness of VESSEL 1 (and its crew) in the following non-exclusive particulars:

- A. In creating an unsafe condition;
- B. In disregarding rules and regulations created for the safety of employees;
- C. In disregarding the Rules of the Road;
- D. In failing to properly train employees how to operate its vessels;
- E. In failing to properly train supervisors;
- F. In failing to provide a safe vessel and/or safe transportation;
- G. In failing to report the accident as required by local, state, and federal law.

10.

The above described injuries resulted from the fault and/or negligence of WHC MAINTENANCE SERVICES, INC. (and their employees) including but not limited to RED JOHNSON and/or the unseaworthiness of VESSEL 1 (and its crew) in the following non-exclusive particulars:

- A. In creating an unsafe condition;
- B. In disregarding rules and regulations created for the safety of employees;
- C. In disregarding the Rules of the Road;
- D. In failing to properly train employees how to operate its vessels;
- E. In failing to properly train supervisors;
- F. In failing to provide a safe vessel and/or safe transportation;
- G. In failing to report the accident as required by local, state, and federal law.

11.

Alternatively, claimant asserts all claims for damages and allegations of negligences listed above under Louisiana state law, 33 U.S.C. 905(b) *et seq* and any other applicable state or federal law.

WHEREFORE, claimant BUFORD SAWYER prays that a certified copy of this complaint be served upon defendants, WHC MAINTENANCE SERVICES, INC., CRAIN BROTHERS, INC., RED JOHNSON, and JOHN DOE, and that after due proceedings are had there be judgment herein in favor of claimant BUFORD SAWYER, and against defendants WHC MAINTENANCE SERVICES, INC., CRAIN BROTHERS, INC., INC., RED JOHNSON, and JOHN DOE, jointly, severally and in solido, in a sum reasonable in the premises together with legal interest from the date of the accident until paid and for an award of any and all benefits, attorneys fees, penalties, expenses of these proceedings and all costs of court together with all other just and equitable relief.

Respectfully submitted,

BROUSSARD & DAVID, L.L.C.

/s/Jerome H. Moroux

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BUFORD SAWYER**

PLEASE SERVE:

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Through Agent for Service of Process

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CRAIN BROTHERS, INC.

Through Agent for Service of Process

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Lake Charles, LA 70601

RED JOHNSON

JOHN DOE