

**UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS**

<b>CHARLES BEAN,</b> <b>Plaintiff</b>	)	
	)	
	)	
<b>V.</b>	)	<b>Civil Action</b>
	)	
<b>WOODS HOLE OCEANOGRAPHIC INSTITUTION,</b> <b>Defendant</b>	)	<b>No.</b> _____
	)	
	)	

**PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL**

Now comes the Plaintiff in the above-entitled matter and says:

**General Factual Allegations**

1. The Plaintiff is a resident of Conway, New Hampshire.
2. The Defendant is a corporation, duly organized and existing under the laws of the Commonwealth of Massachusetts.
3. On or about July 18, 2011, the Defendant was doing business within the Commonwealth of Massachusetts.
4. On July 18, 2011, the Plaintiff was employed by the Defendant.
5. On July 18, 2011, the Plaintiff was employed by the Defendant as a seaman, and a member of the crew of the R/V OCEANUS.
6. On July 18, 2011, the Defendant owned the R/V OCEANUS.
7. On July 18, 2011, the Defendant chartered the R/V OCEANUS from some other person or entity.
8. On July 18, 2011, the Defendant operated the R/V OCEANUS.
9. On July 18, 2011, the Defendant or the Defendant's agents, servants, and/or

employees, controlled the R/V OCEANUS.

10. The Defendant chartered the R/V OCEANUS from some other person or entity such that on or about July 18, 2011 the Defendant, was the owner pro hac vice of the R/V OCEANUS.

11. On July 18, 2011, the R/V OCEANUS was in navigable waters.

12. On July 18, 2011, while in the in the performance of his duties in the service of the R/V OCEANUS, the Plaintiff sustained personal injuries.

13. Prior to and at the time he sustained the above mentioned personal injuries, the Plaintiff was exercising due care.

### **Jurisdiction**

14. This Court has subject matter jurisdiction over this matter pursuant to The Merchant Marine Act of 1920, 46 U.S.C. §30104 et. seq.

15. This Court has subject matter jurisdiction over this matter pursuant to Article III, Section 2 of the United States Constitution, the General Maritime Law, 28 U.S.C. §1331, 28 U.S.C. §1332 and 28 U.S.C. §1333.

### **COUNT I**

#### **Charles Bean v. Woods Hole Oceanographic Institution**

#### **(JONES ACT NEGLIGENCE)**

16. The Plaintiff, Charles Bean, reiterates the allegations set forth in paragraphs 1 through 15 above.

17. The personal injuries sustained by the Plaintiff, Charles Bean, were not caused by any fault on his part, but were caused by the negligence of the Defendant, its agents, servants

and/or employees.

18. As a result of said injuries, the Plaintiff, Charles Bean, has suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

19. This cause of action is brought under the Merchant Marine Act of 1920, commonly called the Jones Act.

WHEREFORE, the Plaintiff, Charles Bean, demands judgment against the Defendant, Woods Hole Oceanographic Institution, in an amount to be determined by a Jury, together with interest and costs.

## **COUNT II**

### **Charles Bean v. Woods Hole Oceanographic Institution**

#### **(GENERAL MARITIME LAW - UNSEAWORTHINESS)**

20. The Plaintiff, Charles Bean, reiterates the allegations set forth in paragraphs 1 through 15 above.

21. The personal injuries sustained by the Plaintiff, Charles Bean, were due to no fault of his, but were caused by the unseaworthiness of the R/V OCEANUS.

22. As a result of said injuries, the Plaintiff, Charles Bean has suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

23. This cause of action is brought under the General Maritime Law for Unseaworthiness and is for the same cause of action as Count I.

WHEREFORE, the Plaintiff, Charles Bean, demands judgment against the Defendant,

Woods Hole Oceanographic Institution, in an amount to be determined by a Jury, together with interest and costs.

**COUNT III**

**Charles Bean v. Woods Hole Oceanographic Institution**

**(GENERAL MARITIME LAW - MAINTENANCE AND CURE)**

24. The Plaintiff, Charles Bean, reiterates all of the allegations set forth in Paragraphs 1 through 15 above.

25. As a result of the personal injuries described in paragraph 12 above, the Plaintiff, Charles Bean, has incurred and will continue to incur expenses for his maintenance and cure.

WHEREFORE, the Plaintiff, Charles Bean, demands judgment against the Defendant, Woods Hole Oceanographic Institution, in an amount to be determined by a Jury for maintenance and cure, together with costs and interest.

**COUNT IV**

**Charles Bean v. Woods Hole Oceanographic Institution**

**(GENERAL MARITIME LAW/JONES ACT - INTENTIONAL/NEGLIGENT  
FAILURE TO PROVIDE MAINTENANCE AND CURE)**

26. The Plaintiff, Charles Bean, reiterates the allegations set forth in paragraphs 1 through 15 above.

27. As a result of the personal injuries described in paragraph 12 above, the Plaintiff, Charles Bean, has incurred and will continue to incur expenses for his maintenance and cure.

28. The Plaintiff, Charles Bean, has made demand upon the Defendant, Woods Hole

Oceanographic Institution, for the provision of maintenance and cure.

29. The Defendant, Woods Hole Oceanographic Institution, has negligently, willfully, arbitrarily, and/or unreasonably failed to provide the Plaintiff with his maintenance and cure in a timely and adequate manner.

30. As a result of the Defendant's failure to provide the Plaintiff maintenance and cure, the Plaintiff has sustained and will continue to sustain damages, including without limitation, pain of body and anguish of mind, lost time from his usual work and pursuits, medical & hospital expenses, attorneys fees, and has sustained and will sustain other damages as will be shown at trial.

WHEREFORE, the Plaintiff, Charles Bean, demands judgment against the Defendant, Woods Hole Oceanographic Institution, in an amount to be determined by a Jury, as compensatory damages for failure to pay maintenance and cure, together with punitive damages, costs, interest, and reasonable attorneys fees.

**PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES  
RAISED IN COUNTS I – IV OF THIS COMPLAINT.**

Respectfully submitted for  
the Plaintiff, Charles Bean,  
by his attorney,

/s/ Carolyn M. Latti  
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