

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

BRIAN D. STEENHARD a seaman,

AT LAW AND IN ADMIRALTY

Plaintiff,

v.

CASE NO.

THE FISHING COMPANY OF ALASKA,
INC., a Washington corporation, In
Personam, and the F/T ALASKA VICTORY,
Official No. 569752, a vessel, her engines,
equipment, tackle and appurtenances,
In Rem,

**SEAMAN'S COMPLAINT IN
REM AND IN PERSONAM
FOR PERSONAL INJURY**

Defendants.

JURY TRIAL DEMANDED

I. JURISDICTION

1.1 This is a claim for relief brought by Plaintiff, Brian D. Steenhard, a seaman, against the owner and/or operator of a vessel for personal injuries sustained aboard said vessel. Jurisdiction is vested in the Court by virtue of general maritime law, 28 U.S.C. 1333; the Jones Act, 46 U.S.C. § 688 et seq., and common law negligence.

COMPLAINT FOR DAMAGES - 1

INJURY AT SEA – SEATTLE

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1 **II. PARTIES**

2 2.1 At all times material hereto Plaintiff was a seaman, employed by
3 Defendant, THE FISHING COMPANY OF ALASKA, INC., as a member of the crew
4 of the F/T ALASKA VICTORY, Official Number 569752, a vessel in navigation in
5 the navigable waters of the United States.

6 2.2 At all times material hereto Defendant was the owner and/or operator
7 of the F/T ALASKA VICTORY, and the employer of Plaintiff herein.

8 2.3 At all times material hereto Defendant, THE FISHING COMPANY OF
9 ALASKA, INC., was a Washington corporation doing business in the State of
10 Washington. At all times material hereto plaintiff was a resident of the State of
11 Washington.

12 **III. FIRST CLAIM FOR RELIEF**

13 3.1 Plaintiff restates paragraphs 1.1 – 2.3.

14 3.2 On or about November 17, 2011 and again on November 21, 2011,
15 while working as a processor aboard the F/T ALASKA VICTORY, in navigable
16 waters, Plaintiff suffered severe and multiple injuries, including but not limited to,
17 injury to his left foot due to the negligence of Defendant and/or the
18 unseaworthiness of F/T ALASKA VICTORY. Plaintiff's initial injury was sustained
19 on November 17, 2011 when a co-worker dropped a heavy pan of fish on Plaintiff's
20 left foot. Plaintiff immediately reported this injury to his supervisor and filled out
21 an injury report with the vessel's Captain. Plaintiff iced his foot for several hours

1 and then returned to work. Despite the fact Plaintiff's foot was swollen and
2 painful, Plaintiff continued working until November 21, 2011, when Plaintiff's
3 supervisor lost his grip and dropped another heavy pan of fish on Plaintiff's left
4 foot. Plaintiff was unable to continue working. As a result, Plaintiff was harassed
5 by fellow crewmembers who accused him of faking his injury. When the vessel
6 returned to Dutch Harbor, Plaintiff asked to go to the clinic but his request was
7 denied. Instead, Plaintiff was given a plane ticket home without the benefit of pain
8 medication or a walking boot to immobilize his fractured foot. The full extent of
9 Plaintiff's injuries is presently unknown.

10 **IV. JONES ACT CLAIMS**

11 4.1 Plaintiff restates paragraphs 1.1 – 3.2.

12 4.2 Defendant was negligent, as were the officers, agents and employees
13 acting on their behalf by reason of including but not limited to: failure to provide a
14 safe place to work; failure provide a sufficient and competent crew; failure to provide
15 necessary assistance; failure to provide a reasonable work schedule and failure to
16 provide necessary and timely medical assistance.

17 4.3 Defendant, and all persons acting on its behalf, failed to provide
18 Plaintiff with a safe place to work, in that the work place of Plaintiff was unsafe by
19 reason of including, but not limited to, all of the above. Further at the time and
20 place of his accident, Plaintiff was entirely within the scope of his employment and
21 did not contribute to any negligent act or to the cause of his injuries.

1 **V. UNSEAWORTHINESS**

2 5.1 Plaintiff restates paragraphs 1.1 – 4.3.

3 5.2 For additional cause of action against Defendant, Plaintiff alleges
4 Defendant's vessel was unseaworthy at the time and place of Plaintiff's injuries and
5 was not reasonably fit for seamen.

6 5.3 The unseaworthiness of the vessel included but is not limited to: failure
7 to provide a safe place to work; failure provide a sufficient and competent crew;
8 failure to provide necessary assistance; failure to provide a reasonable work
9 schedule and failure to provide necessary and timely medical assistance.

10 5.4 Defendant was in violation of minimum standards established by
11 applicable codes and regulations with respect to providing a safe place to work, and
12 this was a cause of Plaintiff's injuries. A combination of these items, and each of
13 them, rendered the F/T ALASKA VICTORY unseaworthy at the time and place of
14 Plaintiff's injuries.

15 5.5 Plaintiff does further allege that at the time and place of his injuries
16 Plaintiff was not contributorily negligent and did not cause or contribute to the
17 cause of his injuries nor did he assume any of the risk of his injuries.

18 5.6 As a result of the injuries sustained by Plaintiff, Plaintiff has suffered
19 substantial and debilitating personal injuries including pain, suffering,
20 disfigurement, mental anguish, psychological injury, wage loss, permanent
21 impairment of wage earning ability, future pain and suffering, mental anguish,

1 disfigurement and loss of enjoyment of life. Plaintiff sues herein as further claimed
2 in Plaintiff's prayer below for recovery for all such personal injuries, wage loss,
3 reduced income-earning capacity, including prejudgment interest on any award
4 entered in this proceeding.

5 **VI. MAINTENANCE, CURE, UNEARNED WAGES AND FOUND**

6 6.1 Plaintiff restates paragraphs 1.1 – 5.6.

7 6.2 As a seaman injured in the course and scope of his employment
8 aboard the F/T ALASKA VICTORY, Plaintiff is entitled to maintenance, cure,
9 unearned wages and found. Plaintiff has not received all the maintenance, cure,
10 unearned wages, and found to which he is entitled.

11 **VII. JURY DEMAND**

12 7.1 Plaintiff restates paragraphs 1.1 – 6.2.

13 7.2 Pursuant to Federal Rule of Civil Procedure 38(c), Plaintiff demands a
14 trial by jury.

15 **VIII. PRAYER**

16 Plaintiff prays for the following relief:

17 8.1 For judgment, against THE FISHING COMPANY OF ALASKA, INC., in
18 an amount to be proven at trial for general and special damages;

19 8.2 For punitive damages for the willful and intentional failure to provide
20 timely medical cure in accordance with *Atlantic Sounding Co., Inc. et al, v.*
21 *Townsend.*

1 UNITED STATES OF AMERICA)
2 STATE OF WASHINGTON) SS
3)

4 H.L. GEORGE KNOWLES, being first duly sworn on oath, state as follows:

5 I make the following statement upon my own personal information and belief.

6 I am the attorney for Plaintiff in the above entitled action and as such I have read
7 the foregoing Complaint; know the contents thereof and believe the same to be true
8 based upon knowledge and information provided to me by the plaintiff and my own
9 personal investigation and I have been authorized by Plaintiff to make such claims
10 on his behalf. Subscribed and sworn to under penalty of perjury of the laws of the
11 State of Washington at Seattle, Washington this 5th day of March, 2012.

12
13
14 S/ H.L. George Knowles
15 H.L. George Knowles