

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

HOLLIE VAUGHN * CIVIL ACTION NO. _____
 *
 * SECTION “_” ____
 *
 VERSUS *
 * JUDGE _____
 *
 *
 AMERICAN CRUISE LINES, INC. * MAGISTRATE _____

COMPLAINT FOR DAMAGES UNDER THE JONES ACT, ETC.

TO THE HONORABLE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA AND THE JUDGES THEREOF:

The complaint of Hollie Vaughn, a person of majority age with respect represents:

1.

Made Defendant herein is AMERICAN CRUISE LINES, INC., a Delaware corporation doing business in the state and judicial district at all times.

2.

On or about July 26, 2012, Defendant, AMERICAN CRUISE LINES, INC., owned, operated and controlled the QUEEN OF THE MISSISSIPPI, a passenger vessel in navigation and employed Plaintiff, HOLLIE VAUGHN, as a deckhand on said vessel, for which she earned average annual earnings of approximately \$70,000.00, plus found and fringe benefits.

3.

On or about July 26, 2012, while the QUEEN OF THE MISSISSIPPI was in navigable waters, Plaintiff sustained severe, painful, and disabling injuries to her right leg, ankle, foot, and other parts of her body as a result of the negligence of Defendant, AMERICAN CRUISE LINES, INC., and the unseaworthiness of the QUEEN OF THE MISSISSIPPI. Plaintiff was injured when she was ordered to bring in dry storage from dock and she fell down stairs causing her to sustain serious injuries, including a fracture to her tibia – fibula.

4.

By reason of the foregoing, Plaintiff has suffered past and future physical and mental pain and suffering, permanent physical scarring and disability and loss of wage earning capacity for which Plaintiff seeks and is entitled to recover from Defendant, compensatory damages in the amount of ONE MILLION AND NO/100 (\$1,000,000.00) DOLLARS, plus found and fringe benefits.

5.

Plaintiff brings this cause of action against the aforesaid Defendant pursuant to the Jones Act, 46 U.S.C. §30104, et seq.

AND FOR A SECOND CAUSE OF ACTION

6.

Plaintiff re-avers and re-alleges each and every allegation of fact and law contained herein as if re-pled in their entirety.

7.

As a result of the shipboard injuries described herein which manifested themselves while Plaintiff was in the service of the QUEEN OF THE MISSISSIPPI, Plaintiff has sought reasonable and necessary medical treatment, and is entitled to maintenance at a rate of \$30.67 per day.

8.

The Defendant is aware of Plaintiff's need for medical care for the injury caused by and manifested while Plaintiff was in the service of its vessel, which treatment Plaintiff continues to need, wants and intends to undergo and has also requested that Defendants authorize and pay for her prescribed medical treatment.

9.

Despite Plaintiff's request, the Defendants have arbitrarily, capriciously and without legal cause, failed and/or refused to investigate Plaintiff's claim of entitlement to cure and to authorize pay for her necessary medical treatment and maintenance payments of \$30.67 per day.

10.

As a result of Defendants' negligence, willful, arbitrary and capricious failure to investigate Plaintiff's cure claim, provide prescribed medical treatment for Plaintiff's injuries and pay maintenance benefits, Plaintiff's physical and mental pain and suffering have been aggravated and intensified and her recovery has been prolonged, delayed and impaired.

11.

By reason of the foregoing, Plaintiff seeks, and is entitled to recover from Defendant, all expenses associated with necessary reasonable medical care from July 26, 2012 until she reaches maximum medical cure according to her treating physician, and payment of maintenance at \$30.67 per day during this same time period.

12.

By reason of the foregoing, Plaintiff is further entitled to recover compensatory damages for Defendant's refusal to honor its cure obligation in the amount of TWO HUNDRED FIFTY THOUSAND AND NO/100 (\$250,000.00) DOLLARS, plus reasonable attorney's fees in an amount to be set by this Court because Plaintiff had to retain counsel to pursue this cause of action.

13.

Plaintiff brings this second cause of action against the aforesaid Defendant pursuant to the Jones Act, 46 U.S.C. §30104, et seq.

WHEREFORE, Plaintiff, HOLLIE VAUGHN, prays for judgment in her favor and against Defendant, AMERICAN CRUISE LINES, INC., for past and future maintenance and cure and for compensatory damages in the amount of ONE MILLION TWO HUNDRED FIFTY AND/NO (\$1,250,000.00) DOLLARS, plus reasonable attorneys' fees, for all taxable costs and interest as allowed by law, and for any additional equitable relief to which plaintiff may be entitled under the circumstances.

Respectfully submitted,

/s/ Paul M. Sterbcow
PAUL M. STERBCOW (#17817)
BETH E. ABRAMSON (#27350)
Lewis, Kullman, Sterbcow & Abramson
601 Poydras Street, Suite 2615
New Orleans, Louisiana 70130
(504) 588-1500 Tel
(504) 588-1514 Facsimile
sterbcow@lksalaw.com
babramson@lksalaw.com

OF COUNSEL

Matthew D. Shaffer, Esq.

Texas Bar #18085600

Schechter, McElwee, Shaffer, & Harris, L.L.P.

3200 Travis, 3rd Floor

Houston, Texas 77006-3636

(713) 524-3500

(713) 751-0412 Facsimile

mshaffer@smslegal.com

PLEASE SERVE:

AMERICAN CRUISE LINES, INC.

Through the Louisiana Long Arm Statute, LSA-R.S. 13:3201,

Pursuant to Section 3204 of Title 13

By Serving:

AMERICAN CRUISE LINES, INC.

741 Boston Post Rd., Suite 200

Guilford, CT 06437-2743