

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, SECOND JUDICIAL DEPARTMENT

Badloo v. City of New York

2025 NY Slip Op 06587 (2d Dep't 2025) · No. 2025-01110 · Decided November 26, 2025

SUMMARY

The Appellate Division, Second Department, affirmed summary judgment dismissing an amended complaint arising from injuries sustained by an electrician working on a City-owned vessel. The court held that the injured plaintiff was not a seaman entitled to sue under the Jones Act because his work was land-based and he lacked a substantial connection to vessels in navigation. The court further held that the Longshore and Harbor Workers' Compensation Act provided the applicable exclusive remedies and barred the state-law claims against the employer and vessel owners.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Second Judicial Department
WRITING FOR THE COURT	Robert J. Miller, J.P.; Paul Wooten, J.; Janice A. Taylor, J.; James P. McCormack, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	November 26, 2025
DOCKET	2025-01110
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed from an order granting defendants summary judgment dismissing the amended complaint in an action for personal injuries and loss of consortium.
STANDARD OF REVIEW	The Appellate Division reviewed the grant of summary judgment to determine whether defendants established entitlement to judgment as a matter of law and whether plaintiffs raised a triable issue of fact.
PRECEDENTIAL VALUE	published
PARTIES	Deoraj Badloo, Badloo's wife v. City of New York, NYC Ferry Fleet, LLC, New York City Economic Development Corporation, HNY Ferry, LLC, Hornblower Group, Inc.

TOPICS

jones act longshore and harbor workers compensation workers compensation negligence
appellate procedure

PRACTICE AREAS

admiralty workers compensation negligence appellate procedure

QUESTIONS PRESENTED

1. Whether Badloo qualified as a seaman entitled to bring a negligence action under the Jones Act.
2. Whether Badloo was a land-based maritime worker covered by the Longshore and Harbor Workers' Compensation Act.
3. Whether the exclusivity provisions of the Longshore and Harbor Workers' Compensation Act barred the plaintiffs' state-law claims against Badloo's employer and the vessel owners.

HOLDINGS

1. Badloo did not qualify as a seaman within the meaning of the Jones Act because his employment lacked a substantial connection to a vessel in navigation in both duration and nature.
2. Badloo was a land-based maritime worker injured while on a vessel in navigation and therefore was covered by the Longshore and Harbor Workers' Compensation Act.
3. The LHWCA exclusivity provisions barred the plaintiffs' state-law causes of action against Badloo's employer and the vessel owners.

KEY QUOTATIONS

*“The purpose of this requirement is to separate the sea-based maritime employees who are entitled to Jones Act protection from those land-based workers who have only transitory or sporadic connection to a vessel in navigation, and therefore whose employment does not regularly expose them to the perils of the sea” ([*1])*

*“The scheduled no-fault compensation structure is the exclusive remedy for injured workers against their employers” ([*2])*

FACTUAL BACKGROUND

In December 2019, Deoraj Badloo was allegedly injured while performing electrical maintenance work on a vessel owned by the City of New York, NYC Ferry Fleet, LLC, and New York City Economic Development Corporation. The vessel was operated by HNY Ferry, LLC, which employed Badloo. Badloo worked only on docked vessels, did not sail with them after completing his work, performed general electrical tasks, had no maritime license, did not sleep aboard the vessels, and reported to a land-based supervisor.

PROCEDURAL HISTORY

Deoraj Badloo allegedly was injured while performing electrical maintenance on a vessel owned by several defendants and operated by his employer, HNY Ferry, LLC. Badloo and his wife commenced an action asserting claims under the Jones Act, common-law negligence, and loss of consortium. The Supreme Court, Kings County, granted defendants' motion for summary judgment dismissing the amended complaint, and the Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Chandris, Inc. v. Latsis, 515 U.S. 347, 354, 360, 368-369 (1995)
- Songui v. City of New York, 2 A.D.3d 706, 708 (2d Dep't 2003)
- Orr v. City of New York, 304 A.D.2d 541, 541-542 (2d Dep't 2003)
- Harbor Tug & Barge Co. v. Papai, 520 U.S. 548, 555, 560 (1997)
- Matter of Buchanan Mar., L.P., 874 F.3d 356, 363-364, 366-367, 369 (2d Cir. 2017)
- Sanchez v. Smart Fabricators of Texas, L.L.C., 997 F.3d 564, 573-575 (5th Cir. 2021) (en banc)
- Doty v. Tappan Zee Constructors, LLC, 831 F. App'x 10, 12 (2d Cir. 2020)
- Lee v. Astoria Generating Co., L.P., 13 N.Y.3d 382, 388-390 (2009)
- Norfolk Shipbuilding & Drydock Corp. v. Garriss, 532 U.S. 811, 818-819 (2001)
- Matter of Donjon Mar. Co., Inc., 2008 WL 3153721, at *3, 2008 U.S. Dist. LEXIS 59102, at *6-7 (S.D.N.Y. July 16, 2008)
- Eldoh v. Astoria Generating Co., L.P., 81 A.D.3d 871, 874 (2d Dep't 2011)
- Ashjian v. Orion Power Holdings, Inc., 70 A.D.3d 738 (2d Dep't 2010)

OPINION

PER CURIAM.

Badloo v City of New York (2025 NY Slip Op 06587) Badloo v City of New York 2025 NY Slip Op 06587 Decided on November 26, 2025 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided on November 26, 2025 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department ROBERT J. MILLER, J.P.

PAUL WOOTEN JANICE A. TAYLOR JAMES P. MCCORMACK, JJ. 2025-01110 (Index No. 515084/20) [*1]Deoraj Badloo, et al., appellants, v City of New York, et al., respondents. Law Office of Stefano A. Filippazzo, P.C., Brooklyn, NY (Louis A. Badolato of counsel), for appellants. Freehill Hogan & Mahar LLP, New York, NY (Daniel J. Fitzgerald and J. Tanner Honea of counsel), for respondents.

DECISION & ORDER In an action to recover damages for personal injuries, etc., the plaintiffs appeal from an order of the Supreme Court, Kings County (Anne J. Swern, J.), dated December 9, 2024. The order granted the defendants' motion for summary judgment dismissing the amended complaint. ORDERED that the order is affirmed, without costs or disbursements.

In December 2019, the plaintiff Deoraj Badloo (hereinafter the injured plaintiff) allegedly was injured while performing electrical maintenance work on a vessel owned by the defendants City of New York, NYC Ferry Fleet, LLC, and New York City Economic Development Corporation (hereinafter collectively the vessel owners), and operated by the defendant HNY Ferry, LLC (hereinafter HNY), which was the injured plaintiff's employer.

Thereafter, the injured plaintiff, and his wife suing derivatively, commenced this action against the vessel owners, HNY, and the defendant Hornblower Group, Inc., HNY's parent company, inter alia, to recover damages for personal injuries, asserting causes of action pursuant to the Jones Act (see 46 USC § 30104) and alleging common-law negligence and loss of consortium.

The defendants moved for summary judgment dismissing the amended complaint. In an order dated December 9, 2024, the Supreme Court granted the motion. The plaintiffs appeal. "The Jones Act provides a cause of action in negligence for 'any seaman' injured 'in the course of his employment'" (*Chandris, Inc. v Latsis*, 515 US 347, 354, quoting former 46 USC Appendix § 668[a]; see *Songui v City of New York*, 2 AD3d 706, 708). "[T]he United States Supreme Court has set forth two essential requirements to be a seaman—(1) the employee's duties must contribute to the function of a vessel or to the accomplishment of its mission, and (2) the employee must have a connection to a vessel in navigation (or to an identifiable group of such vessels) that is substantial in terms of both its duration and its nature" (*Orr v City of New York*, 304 AD2d 541, 541-542; see *Chandris, Inc. v Latsis*, 515 US at 368-369).

"The purpose of this requirement is to separate the sea-based maritime employees who are entitled to Jones Act protection from those land-based workers who have only transitory or sporadic connection to a vessel in navigation, and therefore whose employment does not regularly expose them to the perils of the sea" (*Songui v City of New York*, 2 AD3d at 708 [internal quotation marks omitted]; see *Harbor Tug & [*2]Barge Co. v Papai*, 520 US 548, 560).

Accordingly, "the inquiry into the nature of the employee's connection to the vessel must concentrate on whether the employee's duties take him to sea" (*Harbor Tug & Barge Co. v Papai*, 520 US at 555; see *Matter of Buchanan Mar., L.P.*, 874 F3d 356, 366 [2d Cir]).

Here, the injured plaintiff did not qualify as a seaman within the meaning of the Jones Act, since, among other things, he worked only on docked vessels, he did not sail with the vessels after his work was done, his tasks were those of a general electrician, he had no maritime license, he did not sleep on board, and he reported to a land-based supervisor (see *Sanchez v Smart Fabricators*

of Texas, L.L.C., 997 F3d 564, 573-575 [5th Cir en banc]; Doty v Tappan Zee Constructors, LLC, 831 Fed Appx 10, 12 [2d Cir]; Matter of Buchanan Mar., L.P., 874 F3d at 366-367).

However, as the defendants contend, the injured plaintiff was a land-based maritime worker injured while on a vessel in navigation and, thus, covered by the Longshore and Harbor Workers' Compensation Act (LHWCA) (33 USC § 901 et seq.; see Chandris, Inc. v Latsis, 515 US at 360; Lee v Astoria Generating Co., L.P., 13 NY3d 382, 388-390).

The LHWCA "provides compensation to workers injured on navigable waters of the United States in the course of their employment. It operates as a no-fault workers' compensation scheme for eligible workers and precludes recovery of damages against their employer" (Lee v Astoria Generating Co., L.P., 13 NY3d at 389-390 [citations and footnote omitted]). "The scheduled no-fault compensation structure is the exclusive remedy for injured workers against their employers" (Matter of Buchanan Mar., L.P., 874 F3d at 363; see 33 USC § 905 [a]).

Moreover, "[a] cause of action under § 905(b) [of the LHWCA] against the vessel owner is for negligence in maritime tort, and '[t]he remedy provided in this subsection shall be exclusive of all other remedies against the vessel except remedies available under this chapter'" (Matter of Buchanan Mar., L.P., 874 F3d at 364 [citation omitted], quoting 33 USC § 905 [b]; see Norfolk Shipbuilding & Drydock Corp. v Garriss, 532 US 811, 818-819).

Accordingly, the Supreme Court properly determined that the state law causes of action were barred by exclusivity provisions of the LHWCA (see 33 USC § 905 [a], [b]; Matter of Buchanan Mar., L.P., 874 F3d at 369; Matter of Donjon Mar. Co., Inc., 2008 WL 3153721, *3, 2008 US Dist LEXIS 59102, *6-7 [SD NY, No. 07 Civ. 3840]). Insofar as Eldoh v Astoria Generating Co., L.P. (81 AD3d 871, 874) and Ashjian v Orion Power Holdings, Inc. (70 AD3d 738) held otherwise, those cases should no longer be followed.

The parties' remaining contentions either are without merit or need not be reached in light of our determination. Accordingly, the Supreme Court properly granted the defendants' motion for summary judgment dismissing the amended complaint. MILLER, J.P., WOOTEN, TAYLOR and MCCORMACK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court