UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA

Santos v. RCA Service Co.

603 F. Supp. 943 (E.D. La. 1985) · No. No. 83-3927 · Decided February 27, 1985

SUMMARY

The court granted RCA Service Company's motion for summary judgment on a seaman's Jones Act and general maritime law claims arising from injuries allegedly sustained aboard vessels operated for the United States Navy. It held that the vessels were public vessels or were operated for the United States, making the Public Vessels Act and Suits in Admiralty Act the plaintiff's exclusive remedies against the United States. The court rejected the plaintiff's arguments based on RCA's independent-contractor status, an indemnification clause, estoppel, and possible amendment to add the United States.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Sear, District Judge
JURISDICTION	Louisiana
DECIDED	February 27, 1985
DOCKET	No. 83-3927
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought Jones Act negligence and general maritime unseaworthiness claims against RCA Service Co. RCA moved for summary judgment, arguing that the Public Vessels Act and Suits in Admiralty Act made the United States plaintiff's exclusive remedy.
STANDARD OF REVIEW	Summary judgment is appropriate when the pleadings, affidavits, depositions, and other record materials show no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Once the movant makes that showing, the opposing party must present significant probative evidence of a material factual dispute and may not rely on pleadings, denials, or vague assertions.
PRECEDENTIAL VALUE	Published federal district court memorandum opinion; persuasive authority within the Eastern District of Louisiana and the Fifth Circuit, subject to later appellate and Supreme Court precedent.

TOPICS

summary judgment | admiralty | jones act | unseaworthiness | government contracts

PRACTICE AREAS

Admiralty and maritime law | Federal civil procedure | Government contracts | Military law | Remedies

QUESTIONS PRESENTED

1. Whether RCA was entitled to summary judgment because the vessels were public vessels of the United States or were operated for the United States, making the Suits in Admiralty Act remedy exclusive under 46 U.S.C. § 745.
2. Whether disputed issues concerning RCA's status as an independent contractor or agent and control over day-to-day vessel operations precluded summary judgment.
3. Whether RCA's indemnification agreement with the United States created a third-party-beneficiary claim or otherwise displaced the statutory exclusivity provisions.
4. Whether RCA should be estopped from asserting the statutory remedy defense because it allegedly delayed raising the issue.
5. Whether Santos should be permitted to amend his complaint to add the United States as a defendant.

HOLDINGS

1. RCA was entitled to summary judgment because the vessels on which Santos claimed injury were owned by the United States and were public vessels or vessels operated for the United States; therefore, Santos's remedy against the United States under the applicable maritime statutes was exclusive of an action against RCA.
2. The asserted factual disputes did not preclude summary judgment because RCA's independent-contractor or agency status and responsibility for day-to-day operations were irrelevant to application of the Suits in Admiralty Act's exclusivity provision on these facts.
3. The indemnification clause did not displace the Public Vessels Act or Suits in Admiralty Act and did not provide a basis for Santos to maintain his action directly against RCA.
4. RCA was not estopped from seeking summary judgment because Santos presented no evidence that RCA had concealed the defect in his claims or intentionally delayed raising the issue.
5. The court declined to decide the amendment issue because Santos had no outstanding motion to amend; any limitations question concerning a future claim against the United States would have to await joinder of the United States.

KEY QUOTATIONS

> *"Summary judgment is appropriate only if the pleadings, affidavits, depositions, and other papers in the record indicate that there is no genuine issue as to any material fact and that movant is therefore entitled to judgment as a matter of law."* (945)

> *“A party opposing a motion for summary judgment may not, however, rest on mere allegations or denials contained in his pleadings, or "`vague assertions that additional discovery will produce needed, but unspecified facts...."”* (947)

> *“The Fifth Circuit has found that "control by the United States is the crucial element in determining whether a case falls within the jurisdiction provided by [46 U.S.C.] § 741."”* (947)

FACTUAL BACKGROUND

Santos worked for RCA as a marine electrician on a United States Navy weapons-testing project near Andros Island, Bahamas. The Navy owned all of the vessels on which Santos claimed injury, and RCA contracted with the Navy to man, operate, maintain, and repair the support vessels used to launch and retrieve targets for Navy weapons testing. Santos was primarily shore-based but worked aboard the vessels and claimed seaman status, Jones Act negligence, and general maritime unseaworthiness.

PROCEDURAL HISTORY

Santos filed the action on August 3, 1983, seeking damages for injuries allegedly sustained while working aboard vessels operated by RCA. RCA moved for summary judgment. The district court granted the motion, holding that Santos's exclusive remedy was against the United States under the Suits in Admiralty Act and Public Vessels Act framework.

DISPOSITION

other

CASES CITED

- United States v. United Continental Tuna Corp., 425 U.S. 164 (1976)
- Doyle v. Bethlehem Steel Corp., 504 F.2d 911 (5th Cir. 1974)
- Trautman v. Buck Steber, Inc., 693 F.2d 440 (5th Cir. 1982)
- Reed v. The Yaka, 373 U.S. 410 (1962)
- Petition of United States (U.S.N.S. Mission San Francisco), 367 F.2d 505 (3d Cir. 1966)
- Bradey v. United States, 151 F.2d 742 (2d Cir. 1945)
- Geo. W. Rogers Const. Co. v. United States, 118 F. Supp. 927 (S.D.N.Y. 1954)
- Roeper v. United States, 85 F. Supp. 864 (E.D.N.Y. 1949)
- J.W. Peterson Coal & Oil Co. v. United States, 323 F. Supp. 1198 (N.D. Ill. 1970)
- Volyrakis v. M/V Isabelle, 668 F.2d 863 (5th Cir. 1982)
- Ferguson v. National Broadcasting Co., 584 F.2d 111 (5th Cir. 1978)
- Smith v. United States, 346 F.2d 449 (4th Cir. 1965)
- Loper v. Trinidad Corp., 1983 A.M.C. 1177 (E.D. Pa. 1982)
- Heckler v. Community Health Services of Crawford County, 467 U.S. 51 (1984)
- Poller v. Columbia Broadcasting System, Inc., 368 U.S. 464 (1962)

- Kellerman v. Askew, 541 F.2d 1089 (5th Cir. 1976)
- Chavez v. Noble Drilling Corp., 567 F.2d 287 (5th Cir. 1978)
- Auto Drive-Away Co. of Hialeah, Inc. v. I.C.C., 360 F.2d 446 (5th Cir. 1966)
- Lawson v. American Motorists Ins. Co., 217 F.2d 724 (5th Cir. 1954)
- Townsend v. Columbia Operations, 667 F.2d 844 (9th Cir. 1982)

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