

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JAMES JOHNSON

* NO:

*

VERSUS

* SECTION:

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PPI TECHNOLOGY SERVICES, L.P.
PSL, LTD, TRANSOCEAN, LTD.,
AND AFREN, PLC

*

* MAGISTRATE:

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SEAMAN’S COMPLAINT FOR DAMAGES

The Complaint of **JAMES JOHNSON**, who respectfully represents as follows:

I.

Defendant, **PPI TECHNOLOGY SERVICES, L.P.**, (hereinafter “**PPI**”) a foreign partnership authorized to do and doing business within the jurisdiction of this Court, is indebted unto plaintiff for all damages to which he is entitled to receive as prayed for herein, together with legal interest thereon from date of judicial demand until paid and for all costs of these proceedings for the following, non-exclusive, acts of negligence, as more specifically set forth below.

II.

Defendant, **PSL, LTD**, (hereinafter “**PSL**”) an international business corporation authorized to do and doing business within the jurisdiction of this Court, is indebted unto plaintiff for all damages to which he is entitled to receive as prayed for herein, together with legal interest thereon from date of judicial demand until paid and for all costs of these proceedings for the following, non-exclusive, acts of negligence, as more specifically set forth below.

III.

Defendant, **TRANSOCEAN LTD**, (hereinafter “**TRANSOCEAN**”) a foreign corporate entity authorized to do and doing business within the jurisdiction of this Court, is indebted unto plaintiff for all damages to which he is entitled to receive as prayed for herein, together with legal interest thereon from date of judicial demand until paid and for all costs of these proceedings for the following, non-exclusive, acts of negligence, as more specifically set forth below.

IV.

Defendant, **AFREN PLC**, (hereinafter “**AFREN**”) a foreign company authorized to do and doing business within the jurisdiction of this Court, is indebted unto plaintiff for all damages to which he is entitled to receive as prayed for herein, together with legal interest thereon from date of judicial demand until paid and for all costs of these proceedings for the following, non-exclusive, acts of negligence, as more specifically set forth below.

V.

Jurisdiction of this Court is invoked under General Maritime Law, the Jones Act and Diversity.

VI.

On or about November 8, 2010, plaintiff herein **JAMES JOHNSON** was employed by defendants **PPI and/or PSL** as a Jones Act seaman permanently assigned to the **TRANSOCEAN** owned and operated **HIGH ISLAND VII**, a vessel in navigation.

VII.

On said date, defendant herein **AFREN** had contracted with **TRANSOCEAN** to provide various services through the use of its rig **HIGH ISLAND VII**.

VIII.

On said date, the **HIGH ISLAND VII** had recently been moved to a new location located approximately twelve miles off the coast of Nigeria.

IX.

At approximately 12:30 a.m. on said date, the **HIGH ISLAND VII** was boarded by Nigerian gunmen in an effort to take hostages from the rig. Upon information and belief the Nigerian gunmen were able to gain access to the **HIGH ISLAND VII** by using a fixed platform over which the **HIGH ISLAND VII** had positioned itself. Upon information and belief there were no security measures taken to protect the platform from being boarded by the Nigerian gunmen. Moreover the **HIGH ISLAND VII** had lowered a stairway down to the platform thus allowing the Nigerian gunmen access to the **HIGH ISLAND**

VII rig once they were able to board the platform.

X.

Once the rig was boarded by the Nigerian gunmen, plaintiff along with other rig employees retreated to the galley. Within thirty minutes the Nigerian gunmen gained access to the galley at which time they began firing AK47 rifles in the air and on the ground in order to intimidate and frighten plaintiff and the other rig employees. This caused pieces of ceiling to fall on plaintiff and the other individuals as well as pieces of the floor to fly about striking many of the individuals.

XI.

The Nigerian gunmen stayed in the galley for approximately 10 to 15 minutes and ultimately two Nigerian gunmen took plaintiff hostage, removing him from the galley and bringing him to his room and office on the rig. These individuals then demanded money from the plaintiff once they arrived at his room and office.

XII.

The Nigerian gunmen then brought plaintiff back to the galley but in route began arguing with each other on a stairwell located between plaintiff's room and the galley. During this argument one of the Nigerian gunmen fired his AK47 causing a bullet to hit plaintiff in the right leg.

XIII.

Plaintiff sustained severe damage to his right leg which has required multiple surgeries, a muscle transplant, months of hospitalization and continuing therapy as well as future surgical needs.

XIV.

After being struck by the AK 47 bullet plaintiff hopped back to the galley where he created a tourniquet for his leg injury. Plaintiff laid on the floor of the galley in great pain, fearing that the bullet had struck a main artery of his leg.

XV.

The Nigerian gunmen remained in the galley for approximately 15 to 20 minutes more while they intimidated and continued to threaten plaintiff and the other employees. These gunmen eventually left taking a Canadian employee hostage with them.

XVI.

During the next three to three and a half hours plaintiff remained on the floor in the galley bleeding from the injury to his leg. He had stuffed kitchen towels into the wound in an effort to stop the bleeding. During this time, he also communicated with his drilling superintendent for PPI who worked on land in Nigeria.

XVII.

Upon information and belief, the **TRANSOCEAN** Offshore Installation Manager delayed allowing an International SOS medical helicopter to come to the rig presumably in an effort to avoid the helicopter being shot by the Nigerian gunmen. When the International SOS helicopter finally arrived on the rig to remove plaintiff from the rig for emergency medical treatment, the sun was rising.

XVIII.

Upon information and belief, defendants knew or should have known of the possibility of a Nigerian gunmen attack on the rig, thus placing plaintiff in severe danger of his life. More specifically, it was known and/or should have been known by defendants that as early as 2006 similar attacks have been made on oil rigs off of the Nigerian coast. Such knowledge includes but is not limited to the following events:

- (1) The May 1, 2007, kidnapping of an American and five other individuals from an offshore oil facility operated by Chevron;
- (2) The May 5, 2007, kidnapping of a British oil worker from the **TRANSOCEAN** owned and operated TRIDENT 8 rig off the coast of Nigeria;
- (3) The May 9, 2007, kidnapping of four U.S. oil workers from a barge off the coast of Nigeria;
- (4) The May 25, 2007, kidnapping of three Americans and six other individuals from a ship in the Niger Delta;
- (5) The June 1, 2007, kidnapping of four individuals employed by Slumberger; and
- (6) Dozens of other acts of violence, kidnapping and attacks upon oil service workers working off the coast of Nigeria.

XIX.

Upon information and belief, the sole cause of plaintiff's injuries was the following joint negligence of defendants herein:

- (1) Failing to provide plaintiff with a safe place to work;
- (2) Failing to take proper actions to secure the HIGH ISLAND VII before beginning activities at the platform location;
- (3) Failing to take proper steps to secure the platform before positioning the HIGH ISLAND VII over the platform;

- (4) Failing to have a proper plan in place given the prior knowledge of gunmen attacks off the coast of Nigeria;
- (5) Failing to properly warn plaintiff of the possibility of such gunmen attacks given the location to which the rig had just been moved;
- (6) Failing to provide proper security for the platform and rig in order to avoid injury to plaintiff and other employees aboard the rig;
- (7) Failing to provide a seaworthy vessel to plaintiff; and
- (8) All other acts of negligence and unseaworthiness as will be shown at trial.

XX.

As a direct result of the negligence of the defendants and the unseaworthiness of the vessel, plaintiff, **JAMES JOHNSON** is entitled to recover from the defendants reasonable and just compensatory, special and general damages as prayed for herein and to be awarded by this Honorable Court in the following non-exclusive respects:

1. Past, present and future physical, mental and emotional pain and suffering;
2. Past, present and future loss of wages, fringe benefits and wage earning capacity;
3. Past and future physical disability;
4. Past, present and future medical expenses; and
5. All other special and general damages as will be shown at the trial of this matter.

XXI.

Pursuant to the General Maritime Law of the United States of America, **PPI AND PSL** had and continue to have the absolute and nondelegable duty to provide plaintiff with maintenance and cure benefits from the date that he was rendered unfit for duty until maximum cure is achieved.

XXII.

As a result of the aforementioned accident, plaintiff was rendered unfit for duty and presently remains unfit and incapable of returning to duty as a seaman.

XXIII.

Therefore, the plaintiff prays for the payment of past, present and future adequate maintenance benefits as well as past, present and future payment of any and all cure benefits to which plaintiff is entitled.

XXIV.

Furthermore, plaintiff alleges that **PPI** and **PSL** have arbitrarily terminated maintenance benefits and improperly refused to pay proper benefits despite a written demand for such being made upon **PPI/PSL** on November 2, 2011. Plaintiff thus seeks attorney fees and punitive damages arising out of such intentional and arbitrary conduct.

XXV.

Plaintiff specifically alleges a claim for punitive damages against the defendants herein based upon General Maritime Law. This claim relates not only to any arbitrary and/or unreasonable failure of defendants to pay maintenance and cure benefits but also for any gross negligence of the defendants, or unseaworthiness of the vessel as may be allowed under General Maritime Law.

XXVI.

Plaintiff prays for a trial by jury on all issues raised herein.

WHEREFORE, plaintiff prays that defendants **PPI TECHNOLOGY SERVICES, L.P., PSL, LTD, TRANSOCEAN, LTD, AND AFREN, PLC** be duly

cited to appear and answer this Complaint and after the legal delays and due proceedings had, there be Judgment herein in favor of the plaintiff, **JAMES JOHNSON** and against the defendants, **PPI TECHNOLOGY SERVICES, L.P., PSL, LTD, TRANSOCEAN, LTD, AND AFREN, PLC** for all damages to which the plaintiff is entitled to recover for the reasons set forth herein, together with legal interest thereon from date of judicial demand until paid, for payment of all costs, including expert fees, and for all other general and equitable relief.

FURTHERMORE, plaintiff prays that defendants, **PPI TECHNOLOGY SERVICES, L.P. and PSL, LTD**, be cast in judgment in favor of the plaintiff for past, present and future adequate maintenance benefits as well as past, present and future payment of any and all cure benefits to which plaintiff is entitled by law and penalties and additional damages if applicable.

AND FOR ALL GENERAL AND EQUITABLE RELIEF.

Respectfully submitted,

s/Timothy J. Young
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