

Ruiz v. Turn Servs., LLC

United States District Court for the Eastern District of Louisiana

May 15, 2019, Decided; May 15, 2019, Filed

CIVIL ACTION NO. 19-1400 SECTION "L" (5)

Reporter

2019 U.S. Dist. LEXIS 82511 *

TREVOR RUIZ VERSUS TURN SERVICES, LLC

Core Terms

jury demand, admiralty, unopposed, Maritime, elect, seaman-plaintiff, requesting, grounding, invoking, non-jury, stricken, alleges, lawsuit, aboard, prayed, vessel

Counsel: [*1] For Trevor Ruiz, Plaintiff: Jim S. Hall, LEAD ATTORNEY, Jennifer L. Crose, Matthew B. Moreland, Jim S. Hall & Associates, Metairie, LA.

For Turn Services, LLC, Defendant: Michael A. McGlone, LEAD ATTORNEY, Richard B Crohan, Kean Miller LLP (New Orleans), New Orleans, LA.

Judges: Eldon E. Fallon, UNITED STATES DISTRICT JUDGE.

Opinion by: Eldon E. Fallon

Opinion

"[T]he Jones Act plaintiff can elect a non-jury trial in federal court either 1) by electing to sue in admiralty or 2) by grounding his suit on federal question jurisdiction, i.e., the Jones Act, and not requesting a jury." *Linton v. Great Lakes Dredge & Dock Co.*, 964 F.2d 1480, 1490 (5th Cir. 1992). "It is well settled that the Jones Act gives only the seaman-plaintiff the right to choose a jury trial." *Everett v. Atl. Sounding Co.*, No. 07-5302, 2008 U.S. Dist. LEXIS 80210, 2008 WL 4443047, at *2 (E.D. La. Sept. 26, 2008). Accordingly, [*2]

IT IS ORDERED that Plaintiff's unopposed Motion to Strike Jury Demand, R. Doc. 17, is **GRANTED**. The jury demand in Defendant Turn Services, LLC's answer, R. Doc. 6, shall be stricken.

New Orleans, Louisiana, this 15th day of May, 2019.

/s/ Eldon E. Fallon

UNITED STATES DISTRICT JUDGE

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ORDER AND REASONS

Before the Court is Plaintiff's unopposed Motion to Strike Jury Demand (R. Doc. 17). No opposition was filed.

Plaintiff Trevor Ruiz alleges he was injured while working as a seaman aboard a vessel owned and operated by Turn Services, LLC. He filed this lawsuit against Turn Services, invoking jurisdiction of this Court "pursuant to federal jurisdiction over admiralty and maritime claims; Jones Act, 46 U.S.C. 30104, General Maritime Law, 28 U.S.C. 1331 and pursuant to Rule 9(h) of the Federal Rules of Civil Procedure." (R. Doc. 1 at 1). In answer, Turn Services prayed for a trial by jury.