

KD Maritime Law Alert: Kaufman Dolowich Partner Michael DeSantis Wins Two Jury Verdicts in Maritime Trials

Kaufman Dolowich & Voluck LLP (KD) is pleased to announce that Partner **Michael V. DeSantis**, who has over 25 years of experience in general maritime law litigation, recently won a jury trial involving an accident aboard a ferry, the second such verdict in a little over a year.

“Mike is an experienced and skilled trial attorney who has made quite a name for himself in the field of maritime and admiralty law. This verdict resulted from a great deal of hard work and legal savvy, and we are proud of his accomplishments,” said Gino Zonghetti, chair of KD’s Maritime and Admiralty Law practice.

In August, in a case against Cross Sound Ferry Services, Inc. and Block Island Ferry Services, LLC, the plaintiff claimed Block Island was negligent in not providing adequate warnings; in allowing an environment fostering captain fatigue; keeping the snack bar open in rough seas; and not properly operating the vessel’s ride control system after the plaintiff fell on a vessel staircase. The jury found that Block Island Ferries was not negligent and returned a verdict in their favor.

“Often plaintiffs count on the fact that in these types of cases, defendants are risk adverse and will want to settle rather than risk a jury trial and verdict,” said DeSantis. “In defending this case, we contended that the sea conditions were not rough, that the plaintiff was an experienced mariner and that an announcement was made that was reasonable and appropriate under the circumstances. We believed strongly in our position and confident about the result and the jury agreed with us.”

In July 2014, Mr. DeSantis defended another ferry company, Fire Island Ferries Incorporated in a case that went to verdict. There, plaintiffs contended that the ferry company was negligent in loading/securing freight in the freight and as a result, caused plaintiff to fall and sustain serious personal injuries. KD’s DeSantis defended the case under the theory that the vessel was operated in a reasonably safe fashion and that the accident was caused solely by the carelessness of the plaintiff who had been told the freight area was off-limits to passengers.

KD attorneys have defended, including at trial, many cases brought by plaintiffs under the Jones Act, Longshore Act and general maritime law in numerous jurisdictions. The firm defends maritime personal injury claims as well as property damage and cargo claims and has vast experience defending stevedores and marine terminal operators in a variety of state court actions arising out of events occurring on marine terminals. The firm is regularly called upon to handle difficult maritime cases involving serious injuries and manages the insurance coverage issues associated with the cases.