

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION

ALEX GROBLER,

Case No.: 0:18-cv-61064

Plaintiff,

v.

SA LESSARD LLC and LADY S  
MANAGEMENT LLC,

Defendants.

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**COMPLAINT**

Plaintiff, ALEX GROBLER (hereinafter "PLAINTIFF"), by and through his undersigned counsel, hereby sues Defendants, SA LESSARD LLC and LADY S MANAGEMENT LLC (collectively the "DEFENDANTS"), and states:

**PRELIMINARY ALLEGATIONS**

1. This civil action involves claims for Jones Act negligence, unseaworthiness, failure to provide maintenance and cure, failure to treat, and an alternate count for negligence, where the matter in controversy exceeds \$75,000.00, exclusive of interest and costs.

2. Pursuant to 28 U.S.C. § 1332 the Court has original jurisdiction over all claims raised in this action under diversity of citizenship because the adverse parties to this action share no citizenship and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

3. As an alternate, independent basis this Court has original jurisdiction over Plaintiff's Jones Act negligence claim under federal-question jurisdiction pursuant to 28 U.S.C. § 1331, and, pursuant 28 U.S.C. § 1367, supplemental jurisdiction over Plaintiff's remaining claims, all of which are so related to Plaintiff's Jones Act claim that they form part of the same case or

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controversy<sup>1</sup>.

4. Plaintiff, ALEX GROBLER is a citizen and subject of South Africa.

5. Defendant, LADY S MANAGEMENT LLC, is incorporated under the laws of the Marshall Islands, maintains its principal place of business at 8521 Leesburg Pike, Suite 700, Vienna, Virginia 22182, and for diversity purposes is a citizen of both the Marshall Islands and the Commonwealth of Virginia<sup>2</sup>.

6. Defendant, SA LESSARD LLC, is the owner of the M/Y *Lady S*.

7. Defendant, SA LESSARD LLC, is incorporated under the laws of the Marshall Islands, maintains its principal place of business at 8521 Leesburg Pike, Suite 700, Vienna, Virginia 22182, and for diversity purposes is a citizen of both the Marshall Islands and the Commonwealth of Virginia.

8. The M/Y *Lady S* was built in 1989, is a Marshall Islands flagged pleasure yacht, IMO No. 1003621, Call Sign V7PG7, Florida Registration No. FL596ORK which is a U.S. documented vessel.

9. DEFENDANTS herein contributed to the ownership, operation, charter, maintenance, control. and/or management of the M/Y *Lady S* and/or were the employer of the PLAINTIFF.

10. The M/Y *Lady S* has an official length overall of 129.60 feet, hull breadth of 25.60 feet, and a gross tonnage of 361.

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<sup>1</sup> *Murphy v. Fla. Keys Elec. Coop. Ass'n, Inc.*, 329 F.3d 1311, 1319 (11th Cir.2003) (Where a complaint alleges a Jones Act violation, the maintenance and cure claim can be entertained under the court's supplemental jurisdiction.).

<sup>2</sup> 28 U.S.C. § 1332(c)(1) (“a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business...”)

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11. The M/Y *Lady S* is a pleasure yacht that has in the past sailed in and out of ports located within this District and/or the State of Florida and, upon information and belief, is currently in a port located within the Southern District of Florida.

12. DEFENDANTS, at all times material hereto, personally or through an agent:

- a. Operated, conducted, engaged in or carried on a business venture in this state and/or county and had an office or agency in this state and/or county;
- b. Were engaged in substantial activity within this state;
- c. Derived substantial income from this state and within this district;
- d. Operated vessel(s) in the waters of this state;
- e. Committed one or more of the acts stated in Florida Statutes, § 48.081, 48.181 or 48.193;
- f. The acts of DEFENDANTS set out in this Complaint occurred in part in this county and/or state; and
- g. DEFENDANT, M/Y *Lady S*, was engaged in the pleasure yacht and charter business.

13. PLAINTIFF was recruited and hired to work as a seaman aboard the M/Y *Lady S* in the position of Engineer.

14. On or about September 26, 2017 the M/Y *Lady S* was berthed in the Universal Marine Center shipyard in Fort Lauderdale, Broward County, Florida for repairs and maintenance.

15. On or about September 26, 2017, while working as an engineer aboard the M/Y *Lady S*, PLAINTIFF was carrying a chiller with the assistance of a deckhand. The chiller slipped and fell out of his grasp, severing the tibial anterior tendon in his right leg (“tendon”).

16. PLAINTIFF was taken to the hospital, and surgery was required to re-connect the tendon.

17. PLAINTIFF then sought maintenance and cure, including rehabilitative therapy to

recover the movement/ability to use his foot and leg.

18. To date, DEFENDANTS have refused to provide maintenance and cure to PLAINTIFF.

19. PLAINTIFF has employed the services of the undersigned attorneys and has agreed to pay them a reasonable attorneys' fee for their services.

20. All conditions precedent to the filing of this action have occurred or have been performed, waived, discharged or excused.

**COUNT I – JONES ACT NEGLIGENCE AGAINST ALL DEFENDANTS**

PLAINTIFF re-alleges, incorporates by reference, and adopts paragraphs 1 through 20 as though they were originally alleged herein.

21. On or about the above-mentioned dates, PLAINTIFF was employed by DEFENDANTS as a seaman and was a member of the M/Y *Lady S* crew. The M/Y *Lady S* was in navigable waters.

22. It was the duty of the DEFENDANTS to use reasonable care under the circumstances.

23. On or about September 26, 2017, PLAINTIFF was injured while working aboard the M/Y *Lady S*.

24. PLAINTIFF's injuries are due to the fault and negligence of the DEFENDANTS, and/or its agents, servants, and/or employees as follows:

- a. Failure to use reasonable care to provide PLAINTIFF with a safe place to work.
- b. Failure to maintain a reasonably safe area where PLAINTIFF's incident occurred aboard the subject vessel.
- c. Failure to identify the slipping hazard(s) which caused PLAINTIFF's incident.
- d. Failure to inspect and/or adequately inspect the area where PLAINTIFF's

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- incident occurred.
- e. Failure to warn PLAINTIFF of the hazard(s) and/or danger(s) posed to him while working aboard the subject vessel.
  - f. Failure to provide PLAINTIFF with personal protective equipment aboard the subject vessel.
  - g. Failure to maintain the area where PLAINTIFF's incident occurred in a reasonably safe condition.
  - h. Failure to correct the hazard(s) and/or danger(s) which caused PLAINTIFF to suffer his incident.
  - i. Failure to eliminate and/or modify the hazard(s) and/or danger(s) which caused PLAINTIFF to suffer his incident.
  - j. Failure to ascertain the cause of prior similar incidents so as to take measures to prevent their re-occurrence, and more particularly PLAINTIFF's incident.
  - k. Failure to follow sound management practices with the goal of providing PLAINTIFF a safe place to work.
  - l. Failure to use reasonable care to make reasonable and periodic inspections of the vessel and its equipment, including the area where PLAINTIFF's incident occurred.
  - m. Failure to provide adequate training, instruction, and supervision to the vessel's crew, including PLAINTIFF.
  - n. Failure to provide prompt, proper and adequate medical care which aggravated PLAINTIFF's injuries and caused additional pain, disability and suffering.
  - o. Failure to have proper and adequate procedures in effect with respect to providing medical care to PLAINTIFF.
  - p. Prior to PLAINTIFF's incident, DEFENDANTS failed to investigate the hazard(s) posed to the subject vessel's crew members, and then take the necessary steps to eliminate the hazard(s), minimize the hazard(s) or warn PLAINTIFF of the danger(s) posed to him from the hazard(s); all of which caused PLAINTIFF to be injured.
  - q. Failure to take measures to minimize the risks associated with commercial fishing onboard the subject vessel.
  - r. Providing improper and/or inadequate instructions to the vessel's crew and

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PLAINTIFF.

- s. Failure to follow sound management practices with the goal of providing PLAINTIFF a reasonable safe place to work.
- t. Staffing the subject vessel with inadequately trained and/or educated crew members.
- u. Staffing the subject vessel with inexperienced crew members.
- v. Providing the subject vessel with inadequate medical equipment so as to be able to properly and/or timely diagnose PLAINTIFF's injuries.
- w. Failing to equip the subject vessel with the proper medical equipment so as to be able to properly and/or timely diagnose PLAINTIFF's injuries.
- x. DEFENDANTS failed to adhere to the Seafarers' Hours of Work and the Manning of Ships Convention, 1996: with respect to the hours of work and rest as well as other standards such as ILO 147.
- y. DEFENDANTS failed to provide PLAINTIFF with enough sleeping time so as to cause PLAINTIFF and his fellow crew members onboard the vessel to suffer the same physical and mental impairments as being drunk. These types of impairments have been documented in the Journal of Occupational and Environmental Medicine; 57:649-655 (October 2000).

25. At all times material hereto, DEFENDANTS knew of the foregoing conditions causing PLAINTIFF's incident and did not correct them, or the conditions existed for a sufficient length of time so that DEFENDANTS in the exercise of reasonable care should have learned of them and corrected them.

26. As a result of the negligence of DEFENDANTS, PLAINTIFF was injured about his body and extremities, suffered physical pain and suffering, mental anguish, reasonable fear of developing future physical and medical problems, loss of enjoyment of life, physical disability, impairment, inconvenience on the normal pursuits and pleasures of life, feelings of economic insecurity caused by disability, disfigurement, aggravation of any previously existing conditions therefrom, incurred medical expenses in the care and treatment of PLAINTIFF's injuries, suffered

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physical handicap, lost wages, lost income in the past, and his working ability and earning capacity has been impaired. The injuries and damages are permanent or continuing in nature, and he will suffer the losses and impairments in the future. In addition, PLAINTIFF has lost the fringe benefits that come with PLAINTIFF's job.

WHEREFORE, PLAINTIFF, ALEX GROBLER, demands all damages entitled by law, including punitive damages, and demands jury trial of all issues so triable.

**COUNT II – UNSEAWORTHINESS AGAINST ALL DEFENDANTS**

PLAINTIFF re-alleges, incorporates by reference, and adopts paragraphs 1 through 20 as though they were originally alleged herein.

27. At all times material hereto, the M/Y *Lady S* was owned, managed, operated and/or controlled by the DEFENDANTS.

28. At all times material hereto, DEFENDANTS had an absolute non-delegable duty to provide PLAINTIFF with a seaworthy vessel.

29. On or about September 26, 2017, the unseaworthiness of the M/Y *Lady S* was the legal cause of injury and damage to PLAINTIFF by reason of the following:

- a. Failure to use reasonable care to provide PLAINTIFF a safe place to work due to:
  - i. The crew and PLAINTIFF were overworked to the point of being exhausted and not physically fit to carry out their duties.
  - ii. Failure to use reasonable care to provide PLAINTIFF with a safe place to work for PLAINTIFF, fit with proper and adequate machinery, crew and equipment.
  - iii. Failure to maintain a reasonably safe area where PLAINTIFF's incident occurred aboard the subject vessel.
  - iv. Failure to maintain a reasonably safe area where PLAINTIFF's incident occurred aboard the subject vessel.

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- v. Failure to identify the slipping hazard(s) which caused PLAINTIFF's incident.
- vi. Failure to inspect and/or adequately inspect the area where PLAINTIFF's incident occurred.
- vii. Failure to warn PLAINTIFF of the hazard(s) and/or danger(s) posed to him while working aboard the subject vessel.
- viii. Failure to provide PLAINTIFF with personal protective equipment aboard the subject vessel.
- ix. Failure to maintain the area where PLAINTIFF's incident occurred in a reasonably safe condition.
- x. Failure to correct the hazard(s) and/or danger(s) which caused PLAINTIFF to suffer his incident.
- xi. Failure to eliminate and/or modify the hazard(s) and/or danger(s) which caused PLAINTIFF to suffer his incident.
- xii. Failure to ascertain the cause of prior similar incidents so as to take measures to prevent their re-occurrence, and more particularly PLAINTIFF's incident.
- xiii. Failure to follow sound management practices with the goal of providing PLAINTIFF a safe place to work.
- xiv. Failure to use reasonable care to make reasonable and periodic inspections of the vessel and its equipment, including the area where PLAINTIFF's incident occurred.
- xv. Failure to provide adequate training, instruction, and supervision to the vessel's crew, including PLAINTIFF.
- xvi. Failure to provide prompt, proper and adequate medical care which aggravated PLAINTIFF's injuries and caused additional pain, disability and suffering.
- xvii. Failure to have proper and adequate procedures in effect with respect to providing medical care to PLAINTIFF.
- xviii. Prior to PLAINTIFF's incident, DEFENDANTS failed to investigate the hazard(s) posed to the subject vessel's crew members, and then take the necessary steps to eliminate the hazard(s), minimize the hazard(s) or warn PLAINTIFF of the danger(s) posed to him from the hazard(s); all of which caused PLAINTIFF to be injured.

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- xix. Failure to take measures to minimize the risks associated with commercial fishing onboard the subject vessel.
- xx. Providing improper and/or inadequate instructions to the vessel's crew and PLAINTIFF.
- xxi. Failure to follow sound management practices with the goal of providing PLAINTIFF a reasonable safe place to work.
- xxii. Staffing the subject vessel with inadequately trained and/or educated.
- xxiii. Staffing the subject vessel with inexperienced crew members.
- xxiv. Providing the subject vessel with inadequate medical equipment so as to be able to properly and/or timely diagnose PLAINTIFF's injuries.
- xxv. Failing to equip the subject vessel with the proper medical equipment so as to be able to properly and/or timely diagnose PLAINTIFF's injuries.
- xxvi. DEFENDANTS failed to adhere to the Seafarers' Hours of Work and the Manning of Ships Convention, 1996: with respect to the hours of work and rest as well as other standards such as ILO 147.
- xxvii. DEFENDANTS failed to provide PLAINTIFF with enough sleeping time so as to cause PLAINTIFF and his fellow crew members onboard the vessel to suffer the same physical and mental impairments as being drunk. These types of impairments have been documented in the Journal of Occupational and Environmental Medicine; 57:649-655 (October 2000).

- b. The crew of the M/Y *Lady S* was not properly trained, instructed, and/or supervised;
- c. The M/Y *Lady S* did not have a fit crew; and/or
- d. The M/Y *Lady S* did not have adequate manpower for the task being performed.

30. As a result of the unseaworthy condition(s) of the M/Y *Lady S*, PLAINTIFF was injured about his body and extremities, suffered physical pain and suffering, mental anguish, reasonable fear of developing future physical and medical problems, loss of enjoyment of life,

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physical disability, impairment, inconvenience on the normal pursuits and pleasures of life, feelings of economic insecurity caused by disability, disfigurement, aggravation of any previously existing conditions therefrom, incurred medical expenses in the care and treatment of PLAINTIFF's injuries, suffered physical handicap, lost wages, lost income in the past, and his working ability and earning capacity has been impaired. The injuries and damages are permanent or continuing in nature, and he will suffer the losses and impairments in the future. In addition, PLAINTIFF has lost the fringe benefits that come with PLAINTIFF's job.

WHEREFORE, PLAINTIFF, ALEX GROBLER demands all damages entitled by law, including punitive damages and demands a jury trial of all issues so triable.

**COUNT III – FAILURE TO PROVIDE  
MAINTENANCE AND CURE AGAINST ALL DEFENDANTS**

PLAINTIFF re-alleges, incorporates by reference, and adopts paragraphs 1 through 20 as though they were originally alleged herein.

31. On or about September 26, 2017, while in the service of the M/Y *Lady S* and member of her crew, PLAINTIFF was injured.

32. Under the General Maritime Law and by operation of treaty, PLAINTIFF, as a seaman, is entitled to recover maintenance and cure from DEFENDANTS, until he is declared to have reached maximum medical improvement (MMI) and/or maximum medical cure (MMC). This includes unearned wages (regular wages, overtime, vacation pay and tips), which are reasonably anticipated to the end of the contract or voyage, whichever is longer.

33. Maintenance and Cure is an ongoing obligation of the DEFENDANTS from the date of PLAINTIFF's injury up through trial, and at times beyond as seamen are allowed to bring serial lawsuits for maintenance and cure purposes. Although Maintenance and Cure can be properly terminated at the point when the crew member reaches MMI and/or MMC, it must be

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reinstated if PLAINTIFF suffers a relapse of his condition that once again requires treatment to return PLAINTIFF to an MMI/MMC status or if a cure becomes available that was not available to PLAINTIFF at the time of the declaration of MMI/MMC. In addition, if an MMI/MMC declaration is challenged by another physician the conflict must be resolved in favor of the crew member receiving the additional care (treatment)/cure that is recommended.

34. Here, DEFENDANTS actions were, and continue to be, willful and in callous disregard of PLAINTIFF's rights as a seaman.

35. DEFENDANTS' failure to pay and/or provide PLAINTIFF with maintenance and cure was, and continues to be, willful, arbitrary, capricious, and in callous disregard for PLAINTIFF's rights as a seaman. As such, PLAINTIFF would be entitled to attorneys' fee under the General Maritime Law of the United States. Further, DEFENDANTS unreasonably failed to pay or provide PLAINTIFF with Maintenance and Cure which aggravated his condition and caused him to suffer additional compensatory damages including but not limited to the aggravation of his physical condition, disability, pain and suffering, reasonable fear of developing future physical and medical problems, mental anguish, loss of enjoyment of life, feelings of economic insecurity as well as lost earnings or earning capacity, and medical and hospital expenses in the past and into the future.

WHEREFORE, PLAINTIFF, ALEX GROBLER demands all damages entitled by law, including punitive damages and attorneys' fees and demands jury trial of all issues so triable.

**COUNT IV – FAILURE TO TREAT AGAINST ALL DEFENDANTS**

PLAINTIFF re-alleges, incorporates by reference, and adopts paragraphs 1 through 20 as though they were originally alleged herein.

36. On or about September 26, 2017, PLAINTIFF was employed by DEFENDANTS

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as a seaman and was a member of the M/Y *Lady S'* crew. The vessel was in navigable waters.

37. It was the duty of DEFENDANTS to provide PLAINTIFF with prompt, proper, and adequate medical care.

38. DEFENDANTS, through their employees, servants, and/or agents, negligently failed to promptly provide PLAINTIFF with prompt, proper, adequate and complete medical care.

This conduct includes, but is not limited to:

- a. DEFENDANTS not providing PLAINTIFF with the proper and adequate medical care in a timely fashion after he reported his incident and/or injury to his supervisor.

39. As a direct and proximate result of DEFENDANTS failure, PLAINTIFF was injured about his body and extremities, suffered physical pain and suffering, mental anguish, reasonable fear of developing future physical and medical problems, loss of enjoyment of life, physical disability, impairment, inconvenience on the normal pursuits and pleasures of life, feelings of economic insecurity caused by disability, disfigurement, aggravation of any previously existing conditions therefrom, incurred medical expenses in the care and treatment of PLAINTIFF's injuries, suffered physical handicap, lost wages, lost income in the past, and his working ability and earning capacity has been impaired. The injuries and damages are permanent or continuing in nature, and he will suffer the losses and impairments in the future. In addition, PLAINTIFF has lost the fringe benefits that come with PLAINTIFF's job.

40. This count is alleged separately from Jones Act Negligence pursuant to Joyce v. Atlantic Richfield Company, 651 F.2d 676 (10<sup>th</sup> Cir. 1981) which states in part, "Negligent failure to provide prompt medical attention to a seriously injured seaman gives rise to a separate claim for relief [for which separate damages are awardable]."

WHEREFORE, PLAINTIFF, ALEX GROBLER demands all damages entitled by law,

including punitive damages and demands jury trial of all issues so triable.

**COUNT V – GENERAL NEGLIGENCE AGAINST ALL DEFENDANTS**

PLAINTIFF re-alleges, incorporates by reference, and adopts paragraphs 1 through 20 as though they were originally alleged herein.

41. This count is pled in the alternative to Count I - Negligence under the Jones Act, in the event that this Honorable Court finds that any defendant does not qualify as PLAINTIFF's Jones Act employer. In such event, PLAINTIFF was nonetheless still owed a duty of reasonable care.

42. On or about the above-mentioned dates, PLAINTIFF was employed by DEFENDANTS to work aboard the M/Y *Lady S*. The M/Y *Lady S* was in navigable waters.

43. It was the duty of the DEFENDANTS to use reasonable care under the circumstances.

44. On or about September 26, 2017, PLAINTIFF was injured while working aboard the M/Y *Lady S*.

45. PLAINTIFF's injuries are due to the fault and negligence of the DEFENDANTS, and/or its agents, servants, and/or employees as follows:

- a. Failure to use reasonable care to provide PLAINTIFF a safe place to work.
- b. The crew and PLAINTIFF were overworked to the point of being exhausted and not physically fit to carry out their duties.
- c. Failure to use reasonable care to provide PLAINTIFF with a safe place to work for PLAINTIFF, fit with proper and adequate machinery, crew and equipment.
- d. Failure to maintain a reasonably safe area where PLAINTIFF's incident occurred aboard the subject vessel.
- e. Failure to maintain a reasonably safe area where PLAINTIFF's incident occurred aboard the subject vessel.

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- f. Failure to identify the slipping hazard(s) which caused PLAINTIFF's incident.
- g. Failure to inspect and/or adequately inspect the area where PLAINTIFF's incident occurred.
- h. Failure to warn PLAINTIFF of the hazard(s) and/or danger(s) posed to him while working aboard the subject vessel.
- i. Failure to provide PLAINTIFF with personal protective equipment aboard the subject vessel.
- j. Failure to maintain the area where PLAINTIFF's incident occurred in a reasonably safe condition.
- k. Failure to correct the hazard(s) and/or danger(s) which caused PLAINTIFF to suffer his incident.
- l. Failure to eliminate and/or modify the hazard(s) and/or danger(s) which caused PLAINTIFF to suffer his incident.
- m. Failure to ascertain the cause of prior similar incidents so as to take measures to prevent their re-occurrence, and more particularly PLAINTIFF's incident.
- n. Failure to follow sound management practices with the goal of providing PLAINTIFF a safe place to work.
- o. Failure to use reasonable care to make reasonable and periodic inspections of the vessel and its equipment, including the area where PLAINTIFF's incident occurred.
- p. Failure to provide adequate training, instruction, and supervision to the vessel's crew, including PLAINTIFF.
- q. Failure to provide prompt, proper and adequate medical care which aggravated PLAINTIFF's injuries and caused additional pain, disability and suffering.
- r. Failure to have proper and adequate procedures in effect with respect to providing medical care to PLAINTIFF.
- s. Prior to PLAINTIFF's incident, DEFENDANTS failed to investigate the hazard(s) posed to the subject vessel's crew members, and then take the necessary steps to eliminate the hazard(s), minimize the hazard(s) or warn PLAINTIFF of the danger(s) posed to him from the hazard(s); all of which caused PLAINTIFF to be injured.
- t. Failure to take measures to minimize the risks associated with commercial

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fishing onboard the subject vessel.

- u. Providing improper and/or inadequate instructions to the vessel's crew and PLAINTIFF.
- v. Failure to follow sound management practices with the goal of providing PLAINTIFF a reasonable safe place to work.
- w. Staffing the subject vessel with inadequately trained and/or educated.
- x. Staffing the subject vessel with inexperienced crew members.
- y. Providing the subject vessel with inadequate medical equipment so as to be able to properly and/or timely diagnose PLAINTIFF's injuries.
- z. Failing to equip the subject vessel with the proper medical equipment so as to be able to properly and/or timely diagnose PLAINTIFF's injuries.
- aa. DEFENDANTS failed to adhere to the Seafarers' Hours of Work and the Manning of Ships Convention, 1996: with respect to the hours of work and rest as well as other standards such as ILO 147.
- bb. DEFENDANTS failed to provide PLAINTIFF with enough sleeping time so as to cause PLAINTIFF and his fellow crew members onboard the vessel to suffer the same physical and mental impairments as being drunk. These types of impairments have been documented in the Journal of Occupational and Environmental Medicine; 57:649-655 (October 2000).

46. At all times material hereto, DEFENDANTS knew of the foregoing conditions causing PLAINTIFF's incident and did not correct them, or the conditions existed for a sufficient length of time so that DEFENDANTS in the exercise of reasonable care should have learned of them and corrected them.

47. As a result of the negligence of DEFENDANTS, PLAINTIFF was injured about his body and extremities, suffered physical pain and suffering, mental anguish, reasonable fear of developing future physical and medical problems, loss of enjoyment of life, physical disability, impairment, inconvenience on the normal pursuits and pleasures of life, feelings of economic insecurity caused by disability, disfigurement, aggravation of any previously existing conditions

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therefrom, incurred medical expenses in the care and treatment of PLAINTIFF's injuries, suffered physical handicap, lost wages, lost income in the past, and his working ability and earning capacity has been impaired. The injuries and damages are permanent or continuing in nature, and he will suffer the losses and impairments in the future. In addition, PLAINTIFF has lost the fringe benefits that come with PLAINTIFF's job.

WHEREFORE, PLAINTIFF, ALEX GROBLER, demands all damages entitled by law, including punitive damages, and demands jury trial of all issues so triable.

**DEMAND FOR JURY TRIAL**

PLAINTIFF, ALEX GROBLER, demands a trial by jury on all claims, defenses and issues raised in the entire case. *Salty Dawg Expedition, Inc. v. Borland*, 8:16-CV-3268-T-23TBM, 2017 WL 4700502, at \*2 (M.D. Fla. Oct. 19, 2017) (“If a seaman injured aboard a vessel invokes diversity or federal-question jurisdiction, the action constitutes an action at law, and the Seventh Amendment preserves the right to a jury trial.”)

Dated this 11th day of May, 2018.

JANSSEN, SIRACUSA & KEEGAN PLLC  
*Counsel for Plaintiff, Alex Grobler*  
120 South Olive Avenue, Suite 504  
West Palm Beach, Florida 33401  
Telephone (561) 420-0583  
Facsimile (561) 420-0576  
Email: [jjanssen@jasilaw.com](mailto:jjanssen@jasilaw.com)  
Email: [jsiracusa@jasilaw.com](mailto:jsiracusa@jasilaw.com)  
Email: [mkeegan@jasilaw.com](mailto:mkeegan@jasilaw.com)

By: s/ *Mark G. Keegan*  
JOSEPH W. JANSSEN, III  
Florida Bar No. 160067  
JOHN M. SIRACUSA  
Florida Bar No. 159670  
MARK G. KEEGAN  
Florida Bar No. 503371