

REGIONAL NEWS

Jury Awards Injured Seaman \$1.5 Million

BY SHANNON P. DUFFY

U.S. Courthouse Correspondent

A federal jury on Monday awarded slightly more than \$1.5 million to a seaman who said he was permanently disabled from working due to a back injury that occurred when he slipped on oil leaking from a bulkhead tank.

Evidence in the four-day trial before U.S. District Judge Ronald L. Buckwalter showed that oily water had gathered on a lower deck of the tanker "Eastern Sun" due to excessive vibration in one of the vessels turbines.

Plaintiff Robert E. Griffin, the chief engineer and one of only eight crew members on the fully automated tanker, had worked for Sun Transport Inc. since 1979. He has not worked since the March 23, 1997, accident due to a herniated disc.

Attorney Sidney J. Smolinsky of Sacks Weston Smolinsky & Albert told the jury that the 59-year-old Griffin earned \$65,000 per year and had intended to continue working to the age of 70.

Smolinsky said Griffin's fall occurred soon after a generator alarm sounded and he went below deck to investigate.

In its verdict, the jury found liability under the Jones Act, deciding that the tanker was not "seaworthy" and that Griffin shared no responsibility in causing the accident.

Smolinsky said a major issue in the trial was the effect of Griffin's previous back injury.

Defense attorney James W. Daly of Deasey Mahoney & Bender argued that Griffin's work life would have been severely curtailed in the coming years even if the accident had never occurred because Sun Transport was about to go out of business and because his pre-existing injury would have limited his abilities.

But Smolinsky insisted that the only reason Griffin is now limited to sedentary work is that the March 1997 accident damaged his vertebral disc in such a way that it can never be fully repaired with surgery.

Although doctors wanted to oper-

ate, Smolinsky told the jury that the surgery has been repeatedly delayed due to two tragic circumstances in Griffin's life — his own diagnosis of prostate cancer and his son's being rendered paraplegic in a shooting.

Defense experts testified that Griffin's future income would be no more than \$500,000 and was likely to be much less considering his preexisting injury and the lack of available work.

But Smolinsky's witnesses estimated that Griffin's would have earned as much as \$700,000, noting that while he worked for Sun Transport Inc. he had held a second job on the Jamestown Ferry near his home in Richmond, Va.

"The jury obviously believed that he had the capacity to work to age 70," Smolinsky said.

Although the jury awarded a lump sum and was not required to break it down into components, Smolinsky said that about half is likely intended as compensation for pain and suffering.