

**29TH ANNUAL DAVID W. ROBERTSON  
ADMIRALTY AND MARITIME LAW  
CONFERENCE**

**OCTOBER 16, 2020  
HOUSTON, TEXAS**

**Judicial Perspective: Discussion of Maritime  
Decisions and Practice**

Honorable Lee H. Rosenthal  
Chief Judge  
United States District Court for  
the Southern District of Texas

Kenneth G. Engerrand  
President

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*Case v. Omega Natchiq, Inc.,*  
No. H-08-835 (S.D. Tex. July 10, 2008).

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

|                                      |   |                            |
|--------------------------------------|---|----------------------------|
| DAVID W. CASE,                       | § |                            |
|                                      | § |                            |
| Plaintiff,                           | § |                            |
|                                      | § |                            |
| V.                                   | § | CIVIL ACTION NO. H-08-0835 |
|                                      | § |                            |
| OMEGA NATCHIQ, INC., <i>et al.</i> , | § |                            |
|                                      | § |                            |
| Defendants.                          | § |                            |
|                                      | § |                            |

**MEMORANDUM AND OPINION**

This case arises out of an injury that David W. Case sustained while on board the Rowan Midland, an offshore structure moored in the Gulf of Mexico. Case sued his employer, Omega Natchiq, Inc. (“Omega”), and the Rowan Midland’s then-owners, Rowandrigill, Inc. and the Rowan Companies, Inc. (together, “Rowan”), and the charterer and subsequent owner, ATP Oil & Gas Corporation (“ATP”). Case asserted Jones Act claims for negligence against Omega and ATP and for unseaworthiness against Rowan and ATP. Case sued in state court. The defendants timely removed on the basis of federal-question jurisdiction under the Outercontinental Shelf Lands Act (“OCSLA”), 43 U.S.C. § 1333 *et seq.* (Docket Entry No. 1). Case has moved to remand on the basis that he properly pleaded a Jones Act cause of action, making the case nonremovable. (Docket Entry No. 13). The defendants have responded by arguing that as a matter of law, Case is not a seaman and that federal removal jurisdiction is proper. (Docket Entry No. 15).

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