

**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

Brown Sims, P.C.  
1177 West Loop South  
Tenth Floor  
Houston, Texas 77027  
713.629-1580  
[kengerrand@brownsims.com](mailto:kengerrand@brownsims.com)

## Table of Contents

- 1    *Case v. Omega Natchiq, Inc.*,  
      No. H-08-835 (S.D. Tex. July 10, 2008).
- 2    *Mendez v. Anadarko Petroleum Corp.*,  
      No. H-10-1755 (S.D. Tex. Nov. 9, 2010).
- 3    *Mendez v. Anadarko Petroleum Corp.*,  
      No. H-10-1755 (S.D. Tex. Dec. 20, 2010),  
      *aff'd*, 466 F. App'x 316 (5th Cir. Mar. 26, 2012).
- 4    *Wells v. Abe's Boat Rentals, Inc.*,  
      No. H-13-1112 (S.D. Tex. June 18, 2013).
- 5    *Butler v. Ensco Intercontinental GmbH*,  
      No. H-16-578 (S.D. Tex. Feb. 7, 2017).
- 6    *Great Lakes Dredge & Dock Co. v. Larrisquitu*,  
      Nos. H-06-3489, H-06-3669, H-06-4040  
      (S.D. Tex. Aug. 15, 2007).

Tab 1

*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).

Also available as part of the eCourse

[Judicial Perspective: Discussion of Maritime Decisions and Practice](#)

First appeared as part of the conference materials for the  
29<sup>th</sup> Annual David W. Robertson Admiralty and Maritime Law Conference session  
"Judicial Perspective: Discussion of Maritime Decisions and Practice"