

# BROWN SIMS

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## ATTORNEYS AT LAW

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In *Park v. Stockstill Boat Rentals, Inc.*, 2007 WL 2028920 (5th Cir. 2007), the Court reviewed seaman John Park's appeal from a summary judgment that his accident was caused totally and completely by his own negligence. Park was attempting to open an engine room door when he slipped and fell backward injuring his back. Park claimed his accident was caused by his fatigue from being awake and working on the vessel for twenty-four straight hours. Park alleged his employer was negligent per se because it federal violated safety statutes and the vessel's certificate of inspection by requiring him to work all night on the vessel alone. The Court agreed that under the doctrine of negligence per se, a Jones Act employer may be liable if its violation of a statutory duty causes injury to its seaman-employee. However, in this case, the Court held that it was Park who violated the statute and that he failed to present evidence showing that the violations of the statute were required by his employer, or that it even knew the statute was being violated. Because Park failed to put forth evidence satisfying the threshold requirements of his Jones Act and unseaworthiness claims, the Fifth Circuit affirmed the summary judgment without reviewing the district court's additional holding that as a matter of law the alleged violations could not have caused Park's injuries.

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