

ENTERED

August 14, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBERT N JONES,

Plaintiff,

VS.

W&T OFFSHORE, INC., *et al.*,

Defendants.

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CIVIL ACTION NO. 4:24-CV-03885

ORDER

Before the Court are United States Magistrate Judge Dena Palermo's Memorandum and Recommendation (Doc. #22) and Defendants Rec Marine Logistics, LLC and Gulf Offshore Logistics, LLC Objections (Doc. #23). The Magistrate Judge's findings and conclusions are reviewed de novo. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Having reviewed the parties' arguments and applicable legal authority, the Court adopts the Memorandum and Recommendation as its Order.

This case involves a maritime dispute involving personal injuries that Plaintiff sustained on a ship deck. Doc. #1, Ex. 2 at 4. In the Memorandum and Recommendation ("M&R"), Judge Palermo recommends that Plaintiff's Jones Act claims against Defendants Rec Marine Logistics, LLC and Gulf Offshore Logistics, LLC be severed and remanded back to state court. Doc. #22 at 13. Judge Palermo further recommends that Plaintiff's general negligence claim against Defendant W&T Offshore, Inc. remain before this Court. *Id.*

Defendants Rec Marine Logistics, LLC and Gulf Offshore Logistics, LLC (collectively, "Defendants") have filed a limited objection to Judge Palermo's M&R. Doc. #23. In their Objections, Defendants do not contest the severance and remand of Plaintiff's Jones Act claims

back to state court. *Id.* at 2. Rather, Defendants object to the M&R “to the extent that it can be construed as having made factual findings on the merits of Plaintiff’s claims outside the issue of jurisdiction.” *Id.* Specifically, Defendants assert that it remains a factual dispute whether Defendants “directed that [Plaintiff] be transported to a platform on the Gulf of Mexico Outer Continental Shelf by a crane with a personnel basket” and that “[d]ue to the M/V GOL Warrior crew’s untimely signaling to the crane operator . . . the operator lifted Plaintiff before he was ready, and he fell out of the basket onto the deck of the vessel, injuring himself.” Doc. #22 at 2.

The Court notes that the factual statements Defendants take issue with are within the “Background” section of Judge Palermo’s M&R and are drawn directly from Plaintiff’s Original Petition. *See id.* “When evaluating a motion to remand, all factual allegations are considered in the light most favorable to the plaintiff, and any contested fact issues are resolved for the plaintiff.” *Sweeney v. Foursight Cap., LLC*, No. 4:25-CV-108, 2025 WL 1397067, at *1 (S.D. Tex. May 14, 2025). “Regardless of the credibility of [Plaintiff’s] claims, whether [his] factual allegations are true is not a question ripe for this Court when ruling on a motion for remand.” *Guerrero v. C.R. England, Inc.*, No. 7:21-CV-374, 2021 WL 5784498, at *3 (S.D. Tex. Dec. 7, 2021). Accordingly, the Court clarifies that the facts recited in the “Background Section” of the M&R were credited for the limited purpose of evaluating Plaintiff’s Motion to Remand. *See* Doc. #22 at 2. The Court takes no position on the merits of these factual disputes, which remain for the state court to resolve.

In conclusion, the Court adopts the Memorandum and Recommendation (Doc. #22) as its Order. Therefore, Plaintiff’s Motion to Remand (Doc. #7) is hereby GRANTED IN PART. Specifically, Plaintiff’s Jones Act claims against Defendants Rec Marine Logistics, LLC and Gulf Offshore Logistics, LLC are SEVERED and REMANDED to the 333rd Judicial District of Harris

County, Texas. Plaintiff's general negligence claim against Defendant W&T Offshore, Inc. remains before this Court.

Finally, Defendants Rec Marine Logistics, LLC and Gulf Offshore Logistics, LLC's Motion to Dismiss (Doc. #6) is DENIED as MOOT.

It is so ORDERED.

AUG 14 2025

Date



The Honorable Alfred H. Bennett
United States District Judge