

Jury sides with former seaman following on-the-job knee injury

By: Laura Warfel December 20, 2022

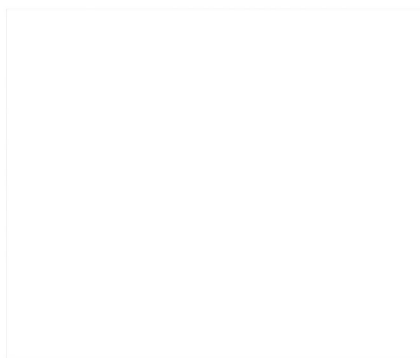
A St. Louis County jury awarded \$3.325 million to a former barge worker in a maritime personal injury case against his former employer, Ingram Barge Company. The award will result in a \$2.5 million recovery for plaintiff Daniel Crowder after assessments of fault.

"This verdict reaffirms that cases under the Jones Act for maritime workers are useful and valuable," said Patrick Bader, an attorney for Crowder. "The law is favorable toward seamen, and the recovery scheme is liberal. It is meant to help injured seamen and their families."

Crowder fell on a barge in June 2017. While he and another employee were "jerking a wire," the wire came out of the ratchet, causing both employees to fall. Crowder landed on his right knee on the steel deck of the barge, dislocating his patella.

After his injury, Crowder had a right knee MRI, which was negative. He was released to return to work full duty within two weeks. He went back to work for 13 months without complaint or any further medical treatment.

In 2018, Crowder's knee began swelling up while he was at work. An orthopedist ordered an MRI from the same facility (and same radiologist) where the first MRI was performed. This time, a torn meniscus was revealed.



Crowder underwent a meniscectomy and was released to return to work with no restrictions. He passed his return-to-work physical and was told he would be sent out on the next boat.

Crowder then decided he did not want to go back to river work because of concern for his knee. During the next 14 months, he got no medical treatment.

In 2020, he was diagnosed with recurrent meniscus tear and other degenerative knee changes. He underwent a second arthroscopy and will need a total knee replacement in the future.

In the lawsuit, Crowder alleged that Ingram had provided an unsafe ratchet and that his co-worker had failed to follow safety rules. Ingram Barge argued that Crowder, as the supervisor on the job, was entirely at fault for what happened and for any injuries he sustained.

At trial, the plaintiff claimed that if he hadn't been injured, he would have continued in the maritime industry, working his way to the top position of captain of a vessel. The defense countered that Crowder voluntarily left river work, no doctor ever gave him specific work restrictions and he had never worked as a boat pilot and did not have

the necessary license to do so.

In a statement provided by defense counsel, the company said it disagreed with the verdict.

"Ingram Barge notes Mr. Crowder continued to work as a mate for the company for a year after the injury without complaint, and Mr. Crowder admits he is not disabled today," the company said. "Ingram Barge compensated Mr. Crowder for all medical bills arising from the alleged injury."

The company said it plans to pursue an appeal if necessary. The defendant's post-trial motions are scheduled for a hearing in January.

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Allocation of Fault: 25 percent to plaintiff, 75 percent to defendant. Net judgment of \$2.5 million

Venue: St. Louis County Circuit Court

Case Number/Date: 20SL-CC01975/Oct. 21, 2022

Judge: Kristine Kerr

Last Pretrial Demand: \$750,000

st Pretrial Offer: \$350,000

Defendant's Experts: Dr. George A. Paletta Jr., Chesterfield (orthopedic surgeon); Dr. David L. Smith, New Orleans (radiologist); Julianne Frain, St. Louis (vocational rehabilitation)

Caption: Daniel Crowder v. Ingram Barge Company

Plaintiff's Attorneys: Patrick Bader and Jacob Murov, Bader & Murov, St. Louis

Defendant's Attorneys: Doug Gossow and Giles Howard, Goldstein and Price, St. Louis; Robert T. Adams and Jennifer J. Artman, Shook, Hardy & Bacon, Kansas City

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