



The Voice

And The Defense Wins

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Bill Schwartz and Jedd Malish



[Bill Schwartz](#) and [Jedd Malish](#) of **Baldwin Haspel Burke & Mayer LLC** in New Orleans were successful in a recent personal injury trial in federal court in the Eastern District of Louisiana. The six men and two women on the jury ruled in favor of an offshore drilling client and against the Plaintiff seaman.

On May 26, 2016, after a four day trial, the jury returned its verdict denying any recovery to Plaintiff. He had alleged injury from negligence under the Jones Act and strict liability for unseaworthiness. He also made demand for punitive damages and attorney fees on his claims for maintenance & cure but these were dismissed with prejudice on the eve of trial. The claimed injury was for Complex Regional Pain Syndrome (CRPS) of the left hand. Plaintiff's fellow workers disputed his testimony on liability about the condition of the wire rope used with an air hoist on the drill rig floor. Plaintiff had two doctors testify his medical condition would require surgical amputation of his left index finger. BHBM presented an opposing medical expert in hand surgery who testified Plaintiff did not exhibit the classic symptoms for such condition, he had reached maximum medical improvement, and there was no need for further care. The jury deliberated little more than an hour before returning the unanimous defense verdict.

A ten-year DRI member, Mr. Schwartz is also a member of the DRI Alternative Dispute Resolution Committee. Mr. Malish is a member of DRI's Data Management and Security, Insurance Law, and Toxic Torts and Environmental Law Committees.

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