

CAUSE NO. _____

Brandon Freeman,

Plaintiff,

v.

Noble Drilling (U.S.), LLC,
Noble Drilling Services, Inc.,
Noble Corporation, Noble Drilling
Holding, LLC, Shell Oil Company,
and Shell Offshore Inc.

Defendants.

§
§
§
§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

Plaintiff’s Original Petition

Plaintiff Brandon Freeman (“Plaintiff”) files this Original Petition complaining of Noble Drilling (U.S.), LLC, Noble Drilling Services, Inc., Noble Corporation, Noble Drilling Holding, LLC, Shell Oil Company, and Shell Offshore Inc. (collectively referred to as “Defendants”) and will respectfully shows the Court that:

I.

Jurisdiction

1. This claim is maintained under the Jones Act (46 U.S.C. § 30104) and the general maritime law of the United States. The Court has exclusive jurisdiction pursuant to the Saving to Suitors clause. Further, Plaintiff has been damaged in a sum far in excess of the minimum jurisdictional limits of this Honorable Court, for which Plaintiff now sues.

II.

Venue

2. Venue is proper pursuant to Tex. Civ. Prac. Rem. Code § 15.002(3) because one or more Defendants has a principal place of business located in this County.

III.

Discovery Level

3. Discovery in this matter may be conducted under Level 2 of the Texas Rules of Civil Procedure.

IV.

Parties

4. Plaintiff Brandon Freeman is a Jones Act Seaman.

5. Defendant Noble Drilling (U.S.) LLC is a company with its principal place of business in Texas. It may be served with process by and through its registered agent for service: C T CORPORATION SYSTEM, 1999 Bryan St., Ste. 900 Dallas, TX 75201.

6. Defendant Noble Drilling Services, Inc. is a corporation with its principal place of business in Texas. It may be served with process by and through its registered agent for service: C T CORPORATION SYSTEM, 1999 Bryan St., Ste. 900 Dallas, TX 75201.

7. Defendant Noble Corporation is a corporation with its principal place of business in Texas. It may be served with process by and through its registered agent for service: C T CORPORATION SYSTEM, 1999 Bryan St., Ste. 900 Dallas, TX 75201.

8. Defendant Noble Drilling Holding, LLC is a foreign corporation with significant ties to the State of Texas. The Court may exercise personal jurisdiction over Defendant Noble Drilling Holding, LLC because it does a substantial amount of business in Texas. Defendant Noble Drilling Holding, LLC's systematic and continued contacts with Texas that justify the exercise of general jurisdiction. Defendant Noble Drilling Holding, LLC is also subject to the

specific jurisdiction of this court because its contacts with Texas are directly related to the incident from which Plaintiff's claims arise. This Defendant may be served with process by and through its registered agent for service: The Corporation Trust Company, at 1209 Orange Street, Wilmington, DE 19801.

9. Defendant Shell Oil Company is a Delaware company that has its principal place of business and headquarters in this County. It may be served with process by and through its registered agent for service: C T CORPORATION SYSTEM, 1999 Bryan St., Ste. 900 Dallas, TX 75201.

10. Defendant Shell Offshore Inc. is a Delaware corporation that has its principal place of business and headquarters in this County. It may be served with process by and through its registered agent for service: C T CORPORATION SYSTEM, 1999 Bryan St., Ste. 900 Dallas, TX 75201.

V.

Facts

11. This lawsuit is necessary as a result of injuries that Plaintiff received on or about August 28, 2021. On or about that date, Plaintiff worked as a roustabout aboard the *Globetrotter II*, a vessel owned, operated and/or maintained by Defendants. Plaintiff was a Jones Act seaman. This suit arises out of grossly reckless decisions made by Defendants leading up to and during Hurricane Ida—one of the most powerful and damaging hurricanes to ever strike the United States. Although Hurricane Ida made landfall on August 29, 2021, warnings about the storm's gathering strength were issued days in advance. From the time it became a tropical depression on August 26, 2021, the forecast narrowed in on the lower

southeast coast of Louisiana as the bullseye for landfall. As projected, Hurricane Ida made landfall in southeast Louisiana near Port Fourchon with sustained winds of 150 miles per hour.

12. At all material times, the *Globetrotter II* was working in the Gulf of Mexico for the benefit, and at the direction of Defendants. In the days leading up to the incident, Hurricane Ida entered the Gulf of Mexico taking aim at the southeast Louisiana shore. No human being should be in the path of a hurricane as powerful as Hurricane Ida. Unfortunately for Plaintiff, neither Shell nor the Noble Defendants cared about the risks posed to Plaintiff. On August 28, 2021, Plaintiff was aboard the drillship *Globetrotter II* in the Gulf of Mexico. Despite the undeniable path of the oncoming storm, Defendants continued to operate the vessel in direct defiance of the National Hurricane Center's forecast.

13. The *Globetrotter II* unlatched and headed directly into Hurricane Ida. Defendants' chosen course took the *Globetrotter II* within 10 miles of Hurricane Ida's eyewall. Plaintiff was exposed to 150 mile per hour winds and 80-foot swells. On board, ferocious sea tossed the crew around and threw them into walls. The *Globetrotter II* was swaying so severely side-to-side that the crew was forced to walk on walls. The sway was so extreme that the *Globetrotter II* almost capsized several times. The entire crew believed they were going to die.

14. As a direct result of Defendants' gross negligence and recklessness, Plaintiff sustained severe bodily injuries. Specifically, Plaintiff suffered physical injuries from the incident including constant headaches, pain to his neck, back, shoulder and other parts of his body. Plaintiff also suffers from emotional disturbance as a result of Defendants' actions including anxiety, difficulty in focusing and concentration, sleep disturbance, and more.

15. Defendants are negligent and negligent per se for the following reasons:

- a. Failure to properly supervise their crew;

- b. Failure to avoid obviously dangerous decisions that put the crew in peril;
- c. Failure to properly train their employees;
- d. Failure to provide adequate safety equipment;
- e. Failure to provide Plaintiff a safe working environment;
- f. Failure to provide Plaintiff adequate safety from storms and Hurricane;
- g. Failure to timely and effective evacuate the vessel;
- h. Failure to provide adequate medical treatment;
- i. Operating the vessel with an inadequate crew;
- j. Failing to maintain safe mechanisms for work on the vessel;
- k. Failure to maintain, inspect, and/or repair the vessel's equipment;
- l. Operating the vessel in an unsafe and improper manner;
- m. Failure to have the vessel moored in a safe area;
- n. Vicariously liable for their employees' and agents' negligence;
- o. Violating applicable Coast Guard, OSHA, BSEE rules and/or other applicable regulations; and
- p. Other acts deemed negligent.

16. At all relevant times, the *Globetrotter II* was unseaworthy.

17. As a result of said occurrences, Plaintiff sustained severe injuries to his body, which resulted in physical pain, mental anguish, and other medical problems. Plaintiff has sustained severe pain, physical impairment, discomfort, mental anguish, and distress. In all reasonable probability, Plaintiff's physical pain, physical impairment and mental anguish will

continue indefinitely. Plaintiff has also suffered a loss of earnings in the past, as well as a loss of future earning capacity. Plaintiff has incurred and will incur pharmaceutical and medical expenses in connection with his injuries. Plaintiff seeks punitive damages against Defendants for arbitrarily and improperly denying maintenance and cure. Plaintiff has been damaged in a sum far in excess of the minimum jurisdictional limits of this Honorable Court, for which he now sues.

18. Plaintiff is also entitled to punitive damages because the aforementioned actions of Defendants were grossly negligent. Defendants acted with flagrant and malicious disregard of Plaintiff health and safety. Defendants were subjectively aware of the extreme risk posed by the conditions which caused Plaintiff injury but did nothing to rectify them. Instead, Defendants had Plaintiff and other crew members continue working despite the dangerous conditions that were posed to them. Defendants did so knowing that the conditions posed dangerous and grave safety concerns. Defendants' acts and omissions involved an extreme degree of risk considering the probability and magnitude of potential harm to Plaintiff. Defendants had actual, subjective awareness of the risk, and consciously disregarded such risk by allowing Plaintiff to work under such dangerous conditions.

VI.

Jury Demand

19. Plaintiff demands a trial by jury.

VII.

Prayer

Pursuant to Rule 47, Plaintiff seeks monetary relief over \$1,000,000. Additionally, Plaintiff prays that this citation issue and be served upon Defendants in a form and manner prescribed by law, requiring that the Defendants appear and answer, and that upon final hearing, Plaintiff have judgment against Defendants in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post-judgment interests, all costs of Court, and all such other and further relief, to which Plaintiff show himself justly entitled including but not limited to:

- Past and future medical damages;
- Past and future loss of earning capacity;
- Past and future pain and suffering and mental anguish;
- Past and future impairment;
- Past and future disfigurement;
- Exemplary damages;
- Loss of household services;
- Past and future loss of consortium;
- Past and future maintenance and cure obligations;
- Pre-judgment interest;
- Post-judgment interest;
- Costs of Court;
- Attorney fees;
- All other relief to which Plaintiffs are justly entitled, either at law or in equity.

Respectfully submitted,

ARNOLD & ITKIN LLP

/s/ Kurt B. Arnold

Kurt B. Arnold

SBN: 24036150

karnold@arnolditkin.com

J. Kyle Findley

SBN: 24076382

kfindley@arnolditkin.com

John G. Grinnan

SBN: 24087633

jgrinnan@arnolditkin.com

6009 Memorial Drive

Houston, Texas 77007

Tel: 713.222.3800

Fax: 713.222.3850

e-service@arnolditkin.com

ATTORNEYS FOR PLAINTIFF