

CAUSE NO.: _____

JOSE DELGADO
Plaintiff,

VS.

ORION MARINE CONSTRUCTION, INC
Defendant.

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IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
____ JUDICIAL DISTRICT
JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff complaining of Defendant Orion Marine Construction, Inc. and for cause of action respectfully shows this Honorable Court the following:

I.

Discovery in this matter will be conducted pursuant to Level 2.

II.

Defendant Orion Marine Construction, Inc. is a foreign corporation doing business in the State of Texas. Defendant may be served with process, via certified mail, return receipt requested, by serving its registered agent for service of process in this State: Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701-3218.

III.

Venue is proper in this county because Defendant's principal office in this state is located in this county Section 15.002(3), Tex. Civ. Prac. & Rem. Code.

IV.

Plaintiff Jose Delgado was an American seaman and Plaintiffs bring this action pursuant to Title 46 U.S.C. § 688. As such, pursuant to Title 28 U.S.C. § 1916, Plaintiff brings this action

without the necessity of pre-payment of costs, fees or the necessity of furnishing security. This is a Jones Act case, as well as a general admiralty law case. Plaintiff brings a claim for unseaworthiness. The injuries occurred in territorial waters of the United States.

V.

At all times material hereto, Defendant Orion Marine Construction, Inc. owned and operated the Waymon L. Boyd, which was operating on navigable waters within the United States.

VI.

At all times material hereto, Plaintiff was aboard the Vessel as an employee of Defendant, and was acting within the course and scope of their employment as a seaman in service of the Vessel.

VII.

On, or about, the morning of August 21, 2020, a fire started when the Vessel Waymon L. Boyd hit an underwater natural gas pipeline, causing a massive explosion that sent plumes of black smoke into the air. The fire ignited the vessel and spread from the pipeline to a nearby grain elevator. As a result, Plaintiff was severely injured. Plaintiff brings claims for negligence pursuant to the Jones Act and general maritime law, and for unseaworthiness.

VIII

By reason of the occurrence made the basis of this action, including the conduct on the part of the Defendant, Plaintiff sustained severe bodily injuries.

IX.

Pleading further, in the alternative, if it is shown that Plaintiff was suffering from some pre-existing injury, disease and/or condition, then such was aggravated and/or exacerbated as a proximate result of the occurrences made the basis of this lawsuit.

X.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for judgment against Defendant in the amount of at least TEN MILLION AND NO/100THS (\$10,000,000.00), DOLLARS, plus pre- and post-judgment interest at the legal rate, for all costs of court, and all such other and further relief, at law and in equity, to which he may be justly entitled.

Respectfully submitted,

THE BUZBEE LAW FIRM

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Unofficial Copy Office of Marilyn B. Jones District Clerk