

EL FARO TRAGEDY

Family seeks \$100M in El Faro lawsuit

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The family of an El Faro crew member on Wednesday sued the lost ship's owners, seeking \$100 million.

Sea man Lonnie Jordan's family accuses TOTE Maritime of negligence in sending the aging cargo ship into the path of Hurricane Joaquin, where it lost power and sank off the Central



Davidson

Bahamas two weeks ago, killing all 33 crew members. The suit — filed by high-profile attorney William Gary — also names the El Faro's captain, Michael Davidson, as a defendant.

"We are at war now," Gary told reporters outside the Duval County Courthouse, where the suit was filed. Gary, who is based in Stuart, has dubbed himself "The Giant Killer" for his victories in cases aimed at

large corporations on behalf of employees.

Mike Hanson, a spokesperson for TOTE Maritime, said the company refused to comment on specific cases. "The company remains fully focused on supporting the families and their loved ones," the statement continued.

But the ship's owners have previously said that the captain had set the El Faro's course when Joaquin was a tropical storm and believed he could get the 790-foot vessel safely around the system. Tracking data, however, show the ship continued to steam toward Joaquin for hours as it intensified into a major hurricane.

The \$100 million figure, according to the lawsuit, comes from the lost wages, memorial expenses, loss of future earnings and pain and suffering inflicted on Jordan and his family.

One maritime law expert cast some doubt on the possibility of winning such large compensation, citing the death on the high seas provision of the Jones Act,

which allows plaintiffs to sue only for economic damages, which do not include pain and suffering.

In cases like the El Faro, there also is no need to file a lawsuit right away, said Steven Marks, co-managing partner at Podhurst Orseck, a Miami-based boutique law firm that specializes in representing victims of large scale tragedies.

The cases tend to be quite complex, he said. Attorneys have to consider maritime treaties, like the Jones Act, contracts between crew and the company, safety standards of the vessel and maritime laws.

"There's a lot of homework that needs to be done to look for a responsible and viable party," Marks said. "You can't get the answers right away."

Gary told reporters that this was the first of what he expected to be a number of suits. If there are multiple suits, they could later be consolidated for a single judge.

Lawyers for suits like these must be careful, Marks said. Choosing the wrong venue or defendant could doom the case.

"The families need to get proper legal advice quickly but not necessarily take quick legal action," he said.

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