

■ \$345,000 SETTLEMENT

Man's slip and fall on boat ends in \$345K settlement

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A man's Jones Act suit over a slip and fall on ice boarding a boat in St. Louis has settled for \$345,000.



Patrick K. Bader

Brian K. Brown, 49, brought the lawsuit in St. Louis City Circuit Court against his confidential former employer, according to his attorney, Patrick K. Bader of Bader & Murov in St. Louis.

The case settled Feb. 9, less than a month before it was set to go to trial.

Brown, a deckhand on the Missouri River, alleged that on Dec. 1, 2014, as he was boarding a vessel, his left foot slipped on ice, causing him to fall back onto a three-foot tall railing and to drop a five-gallon water cooler he was carrying.

Brown said the fall caused knee and back injuries, requiring arthroscopic surgery for a torn meniscus and non-operative treatment for his back, according to Bader.

Brown was fired from his job after the incident for insubordination and immediately went to work as a truck driver.

Brown's former employer denied his claims, saying there was no ice and Brown was not injured. The company also argued Brown had boarded the same area minutes before without injury, and he should have put salt down or avoided the area.

Bader said the employer also alleged Brown did not immediately report the injury, completing his entire 12-hour shift without any difficulties, engaging in a push-up and pull-up contest with coworkers.

The company relied on testimony from its expert, Dr. Robert Bernardi, to support its claim that Brown was not injured, and records indicating Brown failed to disclose pre-existing conditions for his knee and back on employment forms, Bader said.

Bader said the defense's claims were undermined by Brown's coworkers' testimony confirming icy conditions and the company's safety rules.

Bader said the settlement came just as the company was about to depose their orthopedic expert, two weeks ahead of trial.

He said the settlement is a significant amount for his client.

"Given that Brian's employer paid for his medical treatment under its maritime cure obligation and Brian had no lost wages as a result of immediately finding replacement employment, this settlement fairly compensates Brian for his damages," Bader said. [NOC](#)

JONES ACT/MARITIME

■ **Injuries alleged:** Back, spine, leg, knee, ankle

■ **Venue:** St. Louis City Circuit Court

■ **Case Number/Date:** 1522-CC00519/Feb. 9, 2017

■ **Caption:** Brian K. Brown v. Confidential

■ **Plaintiff's Attorney:** Patrick K. Bader, Bader & Murov, St. Louis

■ **Defendant's Attorneys:** Confidential