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# POP QUIZ!!!!

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Is there maritime jurisdiction?

Yes \_\_\_\_\_ No \_\_\_\_\_ Can't Say \_\_\_\_\_

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Which of the following is a vessel?

a. Thibodeaux Oil Co. floating structure? Yes \_\_\_\_ No \_\_\_\_

b. Spud Barge? Yes \_\_\_\_ No \_\_\_\_

c. Bateau? Yes \_\_\_\_ No \_\_\_\_

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Is Boudreaux .....

- a. A seaman? Yes \_\_\_\_ No \_\_\_\_
- b. A maritime worker under LHWCA? Yes \_\_\_\_ No \_\_\_\_
- c. A worker covered by State Worker's compensation? Yes \_\_ No \_\_
- d. A pseudo- seaman? Yes \_\_\_\_ No \_\_\_\_
- e. None of the above? Yes \_\_\_\_ No \_\_\_\_ If not, what? \_\_\_\_\_

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Can Boudreaux recover tort damages and, if so, on what theory of liability, from .....

- a. Thibodeaux Oil Co.
  - i. Maritime Negligence? Yes \_\_\_\_ No \_\_\_\_
  - ii. Unseaworthiness? Yes \_\_\_\_ No \_\_\_\_
  - iii. State Law Negligence? Yes \_\_\_\_ No \_\_\_\_
- b. GE
  - i. Negligence? Yes \_\_\_\_ No \_\_\_\_
  - ii. Maritime Products Liability? Yes \_\_\_\_ No \_\_\_\_
  - iii. Louisiana Products Liability? Yes \_\_\_\_ No \_\_\_\_

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Can Boudreaux recover punitive damages, and if so, from whom?

- a. Thibodeaux Oil Co.? Yes \_\_\_\_ No \_\_\_\_
- b. GE? Yes \_\_\_\_ No \_\_\_\_

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Given the answers to the above, if you could massage the facts so as to have Boudreaux be a certain kind of worker, what would you want him to be?

- a. Seaman? Yes \_\_\_ No \_\_\_
- b. Maritime Worker under LHWCA? Yes \_\_\_ No \_\_\_
- c. State worker? Yes \_\_\_ No \_\_\_
- d. Pseudo-Seaman? Yes \_\_\_ No \_\_\_

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### Test for Maritime Tort Jurisdiction

1. Tort must occur on navigable water, and
2. Incident must be of a kind that is potentially disruptive of maritime commerce, and
3. Activity must be of a kind that bears a substantial relationship to traditional maritime activity.

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### Test for Navigability

1. Body of water must be "used or capable of being used" for maritime commerce, and
2. Must be connected to another state, another country or the ocean.

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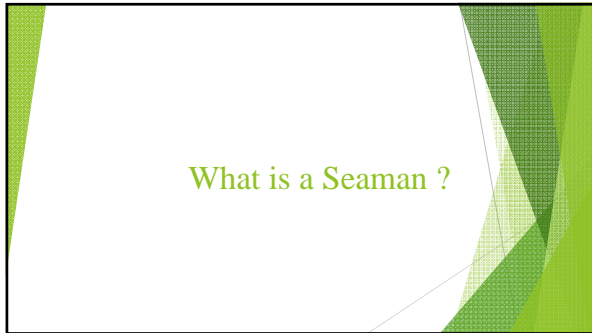
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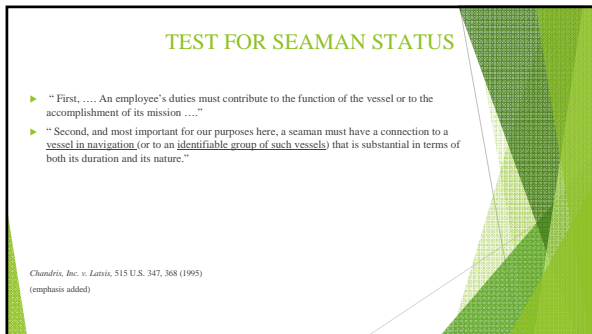
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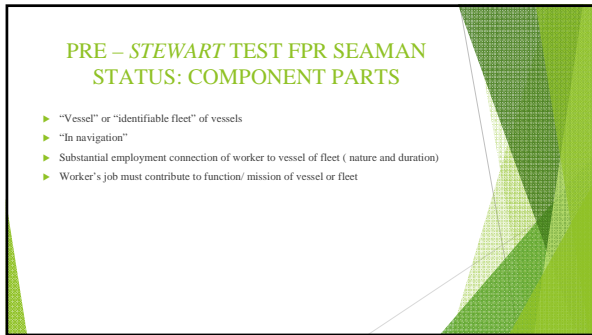
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POP QUIZ ANSWERS

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Is there maritime jurisdiction ?

Yes  \_\_\_\_\_ No \_\_\_\_\_ Can't Say \_\_\_\_\_

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- c. State Worker? Yes \_\_\_\_\_ No \_\_\_\_\_
- d. Pseudo-Seaman? Yes \_\_\_\_\_ No \_\_\_\_\_

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