

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

<b>EDMUND BELFLOWER</b>	§	
	§	
<b>VS.</b>	§	<b>C.A. NO. 3:15-cv-00146</b>
	§	
<b>HALLIBURTON COMPANY,</b>	§	
<b>HALLIBURTON ENERGY SERVICES,</b>	§	
<b>INC. and OFFSHORE SERVICE</b>	§	
<b>VESSELS, LLC f/k/a EDISON</b>	§	<b>ADMIRALITY 9(h)</b>
<b>CHOUEST OFFSHORE, LLC</b>	§	

**PLAINTIFF’S FIRST AMENDED COMPLAINT**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, EDMUND BELFLOWER, hereinafter referred to as Plaintiff, complaining of HALLIBURTON COMPANY (“Halliburton”), HALLIBURTON ENERGY SERVICES, INC. (“HESI”) and OFFSHORE SERVICE VESSELS, LLC f/k/a EDISON CHOUEST OFFSHORE, LLC (“OSV”), hereinafter referred to as Defendants and for cause of action would respectfully show this Honorable Court as follows:

**A. PARTIES**

Plaintiff, Edmund Belflower is an individual and is a citizen of the State of Texas.

Defendant, Halliburton Company (“Halliburton”) is a corporation that is incorporated under the laws of the State of Texas. Defendant has its principal place of business in the State of Texas. Defendant may be served with process by serving its registered agent, Capitol Corporate Services, Inc. at 800 Brazos St., Ste 400, Austin, TX 78701.

Defendant, Halliburton Energy Services, Inc (“HESI”) is a corporation that is incorporated under the laws of the State of Texas. Defendant has its principal place of business in the State of Texas. Defendant may be served with process by serving its registered agent,

Capitol Corporate Services, Inc. at 800 Brazos St., Ste 400, Austin, TX 78701.

Defendant, Offshore Service Vessels, LLC f/k/a Edison Chouest Offshore, Inc. (“OSV”) is a corporation that is incorporated under the laws of the State of Louisiana. Defendant has its principal place of business in the State of Louisiana. Defendant is doing business in the state of Texas. Defendant does not have a registered agent for service of process in the State of Texas. Service of process on defendant may be made according to the laws of the State of by serving Gary Chouest, E 118<sup>th</sup> Street, Galliano, LA 70354, through the Texas Secretary of State.

### **B. JURISDICTION**

The Court has jurisdiction over the lawsuit under 28 U.S.C. §1333, 46 U.S.C. § 30104, 30105, and 30106 and the general maritime because the suit involves admiralty and maritime jurisdiction. This is an admiralty or maritime claim within the meaning of Rule 9(h).

### **C. FACTS**

Defendant, OSV, owned, operated, and employed a crew on the vessel, *M/V Stim Star II*. Plaintiff was employed by defendant, Halliburton as a supervisor and crew member for HESI aboard the *M/V Stim Star II*. Halliburton leased, operated and employed a crew on the vessel *M/V Stim Star II*. On or about June 26, 2013, while boarding the *M/V Stim Star II*, Plaintiff suffered personal injury. Plaintiff was an able-bodied seaman who was a crew member of the vessel leased to Halliburton and owned by OSV. While in the scope of his employment, he received serious and disabling injuries which required medical treatment and will continue to need medical treatment in the future.

### **D. COUNT 1 - JONES ACT**

Plaintiff’s injuries were suffered in the course and scope of his employment and were caused by the negligence of one or more defendants and their officers, agents, or employees.

Defendant, OSV, owned, operated, and hired the crew for the vessel *M/V Stim Star II*. Plaintiff was employed by defendant, Halliburton as a supervisor for HESI aboard the *M/V Stim Star II*. Halliburton leased, operated and hired a crew for the vessel *M/V Stim Star II*. Plaintiff would show that nothing he did or failed to do on the occasion in question caused or in any way contributed to cause his injuries. To the contrary, Plaintiff was injured and the injuries he sustained were caused in whole or in part, as a proximate result of negligence on the part of one or more of the Defendants, their agents, servants and/or employees.

#### **E. COUNT 2 - UNSEAWORTHINESS**

Plaintiff's injuries were caused by defendant's breach of absolute duty to furnish a seaworthy vessel. Defendants owed to Plaintiff a duty to furnish him a safe place to work and a seaworthy vessel, and as applied to Plaintiff, one or more of the Defendants failed in those respects, and such unseaworthiness of the vessel in question caused and resulted in the injuries and damages sustained by Plaintiff. Such injuries occurred as a proximate result of the unsafe and unseaworthy condition of the vessel and its appurtenances, which was owned, operated and maintained by one or more of the Defendants.

#### **F. COUNT 3 - MAINTENANCE & CURE**

Defendant, Halliburton, breached its absolute duty to provide plaintiff with maintenance and cure. Plaintiff, a seaman, was injured during the course and scope of his employment and is entitled to maintenance and. Defendant, Halliburton has not provided maintenance and cure to plaintiff. Failure to provide maintenance and cure renders defendant Halliburton liable for additional damages, including punitive damages as well as attorneys fees.

#### **G. DAMAGES**

As a direct and proximate result of defendant's conduct, Plaintiff sustained injury to his

person and has sustained and will sustain in the future the following damages:

- a. Mental anguish.
- b. Loss of earnings.
- c. Loss of earning capacity.
- d. Disfigurement.
- e. Physical impairment and capacity.
- f. Medical expenses.
- g. Physical pain and suffering.
- h. Loss of life's pleasures.
- i. Loss of ability to perform household services.

Further, he is entitled to:

- a. Punitive damages.

#### **H. PRAYER**

For these reasons, Plaintiff prays that the Defendants be duly cited in terms of law to appear and answer herein, and that upon final trial hereof Plaintiff have judgment, against said Defendants for the full amount of his damages, actual and punitive, with prejudgment and post-judgment interest thereon at the highest legal rate, for costs of Court in this behalf expended, and for all other and further relief, special and general, at law or in equity, to which Plaintiff may show himself to be justly entitled and the Court deems appropriate.

Respectfully submitted,

**HAROLD EISENMAN, P.C.**

By: /s/ Harold Eisenman

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