FWY ACHIEVES $3 MILLION SETTLEMENT FOR DEATH ON THE HIGH SEAS ACT CASE

After more than two years of hard fought litigation, which took place in federal courts in New Jersey and Massachusetts, FWY secured a multi-million dollar settlement for its client, the widow of a fisherman who died as a result of the sinking of the vessel he was working on in the North Atlantic Ocean.

The vessel was owned by a conglomerate that operated dozens of boats along the eastern seaboard. A portion of the vessel owner's fleet was comprised of scallopers that hailed primarily out of New Bedford, including the vessel that sank in this case. Although the vessel owner and its insurance company sought the protection of exoneration and limitation of liability, FWY was able to defeat this procedural gambit. After FWY's attorneys took several lengthy, probing and comprehensive depositions, and pursued successful motions for additional discovery, the case was finally settled after several mediation sessions.

Although the vessel owner had originally claimed that the vessel was seaworthy and that the sinking was essentially due to conditions beyond its control, discovery in the case revealed that the vessel was actually defective and unseaworthy. There were a number of rudimentary pieces of safety equipment which were either not working or altogether nonexistent (including back up pumps and high water alarms). Perhaps more importantly the "righting arm" of the vessel had been changed recently before the accident by the introduction of additional equipment above deck which negatively impacted the vessel's stability and ultimately caused it to sink.

FWY's clients ended up pursuing claims brought under the Jones Act, the Death on the High Seas Act and pursuant to general maritime common law.

FLYNN|WIRKUS|YOUNG, P.C. is a sophisticated firm of trial attorneys, rated AV® Preeminent™ by Martindale-Hubbell. We are a medium-sized firm dedicated to the practice of civil litigation in New England, the Northeast and across the U.S. At FWY, we develop a creative approach to suit each of our clients' individual needs. To us, conventional wisdom is never good enough.

More information pertaining to additional specific results will be provided upon request. Prior results do not guarantee a similar outcome.

FW Y

We're in the Solution Business.

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