

Widow Of Tug Boat Deckhand Killed On The Job In Hackensack River Wins Multi-Million Dollar Federal Lawsuit Against Tug Boat Operator For Wrongful Death

BY KREINDLER & KREINDLER LLP
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Contrary to OSHA and U.S. Coast Guard Findings, Court Rules that Moran Towing Corporation, not the Deckhand, was at Fault for Death

After a lengthy trial earlier this year, a federal judge ruled on Monday in favor of the widow of Ricardo Young, a 58-year-old deckhand employed on a tugboat who in 2009 was crushed to death on the Hackensack River in New Jersey. Mr. Young, a resident of Queens, NY, perished when entrapped in the capstan of the boat by a towline under great pressure during an improperly conducted "swing maneuver." The widow, Avril Young, sued Connecticut-based Moran Towing Corporation for negligence, wrongful death and parental loss. On November 11, 2013, she and her family were awarded a multi-million dollar judgment in damages by the United States District Court, Southern District of New York.

"Mr. Young's death was horrific and a direct result of poor crew training and supervision, negligence and inadequate operational procedures by the defendant Moran Towing," said attorney Daniel O. Rose of the New York-based maritime and aviation law firm Kreindler & Kreindler LLP, which represented Mrs. Young. "Mr. Young suffered crushing injuries as the towline constricted him, and ultimately died of asphyxia. The court concurred with expert testimony that Mr. Young was actually conscious for at least two minutes while his body was being crushed to death."

On December 27, 2009, the 91-foot-long tug upon which Mr. Young, the father of two children, was working was pushing a barge down the Hackensack River from Little Ferry toward Newark, New Jersey. During a "swing maneuver" by members of the tug's crew to bring in slack that developed in the towline as the tug moved down the river, Mr. Young became entrapped in the towline and was squeezed to death. The accident was investigated by NJ State Police, OSHA, the NJ Medical Examiner and the U.S. Coast Guard.

Federal Court Ruling is Contrary to Findings of OSHA, U.S. Coast Guard

The opinion rendered by U.S. District Judge Robert W. Sweet found that Moran provided an unsafe workspace for Mr. Young; failed to provide proper safety training, supervision and procedures for its employees aboard the tugboat; and was directly and vicariously negligent, using procedures that were inadequate and equipment that was unseaworthy. "Moran's inadequate training and safety procedures not only contributed to the unseaworthiness of the tug and its crew, but also constituted negligence," according to the court's opinion.

Mr. Rose indicates that within hours of the incident, Moran developed a theory that blamed Ricardo Young for his own death. Moran advanced that theory with the Occupational Safety and Health Administration (OSHA) and the U.S. Coast Guard (USCG), both of which accepted Moran's claim that Mr. Young's actions had been responsible for his own death. "Upon reviewing the results of our own investigation and analysis of the facts and the expert testimony presented, the court clearly understood both that Mr. Young did not cause his own death and that Moran's negligence was in fact directly responsible for this loss of life," said Mr. Rose.

"This is yet another case which reveals serious safety shortcomings in the oversight and practices of the tugboat industry which, I believe, require immediate attention and improvements," said Mr. Rose.

Mrs. Young stated that: "We are grateful to the court for holding those who caused my husband's death responsible and for recognizing what Ricardo meant to his family."

Kreindler & Kreindler LLP (www.kreindler.com), based in New York, is the leading law firm representing plaintiffs in the United States and around the world in transportation accident cases and other complex litigation matters involving aviation, maritime vessels, products liability, auto, train and other transportation accidents. The firm has represented hundreds of personnel injured and killed on tugs, freighters and other cargo ships, as well as people who have suffered injuries or death in recreational boating accidents and as passengers on cruise ships.

A copy of the Court's ruling is accessible here: http://www.kreindler.com/Young_v_Moran_Opinion_Order.pdf

SOURCE Kreindler & Kreindler LLP

Featured Experts

Bartley J. Eckhardt, P.E.

Ruhi Arslanoglu, PhD.

Bart is President/CEO of Robson Forensic, Inc. and also heads its Marine-Industrial-Specialty Practice Group and Ruhi is a Biomedical expert. Bart was retained as a primary liability expert in this Federal Admiralty matter. The purpose of his investigation was to reconstruct the fatal injury incident and to determine the cause or contributing factors to Young's fatal injury. Bart's reconstruction of the incident revealed that the towline pulled off the capstan, and disproved Moran's theory that Young caused his own death.

Ruhi Arslanoglu, was able to link Bart's reconstruction with the injuries sustained by Young to further disprove Moran's theory, while supporting medical testimony that Young was conscious for at least two minutes while his body was being crushed to death. Bart was qualified by the court as an expert in maritime engineering and accident reconstruction. Ruhi was qualified by the court as an expert in the field of biomechanical engineering.

Bart holds a B.E. in Marine Engineering, held advanced Merchant Marine licenses, and had sea time as Chief Engineer on an ocean-going tug. He was a co-author of the U.S. Navy Towing Manual, and is a licensed Professional Engineer in more than 20 states. [View CV](#)

Ruhi holds degrees in Aerospace and Aeronautical Engineering as well as having a Ph.D. in Biomedical Engineering. He is also an EMT and SUBA Divemaster. He regularly analyzes injury causation. [View CV](#)

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