

# SAFE HARBOR

A monthly newsletter for the Maritime worker from  
The Law Offices of Lyle C. Cavin, Jr.

*August 2013*



Thank you for your maritime service and taking the time to review our Newsletter. We at the Law Offices of Lyle C. Cavin, Jr. hope you find the following information informative and helpful. If you have any questions regarding your rights or remedies please contact us at any time. We are here to serve you.



## CAN YOU SUE WHEN YOU WANT?



When an injury arises under the Jones Act there are very few impediments to filing a lawsuit. There are certain claims requirements, and sometimes only a two year Statute of Limitations, when the government is a vessel owner or charterer but, generally speaking, a suit for damages for injury can be brought anytime within three years of the event.

However, when the matter is a non-injury issue you may be required to follow union grievance procedures before the court will permit a lawsuit to be filed. This is the result of such issues being governed by a collective bargaining agreement. Generally, a grievance must be first undertaken and other administrative steps must be perfected to preserve your claim. You must consult with your union representative to determine those matters governed by such proceedings.

Next month, more about the USA as a defendant.

## QUESTION FROM THE BRIDGE



*I was terminated from my job aboard ship for an argument with my supervisor.  
Can I file a suit for the loss of my expected wages?*

*Timothy, Baton Rouge.*

Timothy,

If you are a union member and there is a collective bargaining agreement in effect it is most likely that you have to "grieve" the issue first. Your union contract will spell out the terms and conditions to "exhaust your administrative remedy" before you can proceed in court with a claim. It is important when such an issue arises that you promptly notify your union and ask for their intervention in the matter to best protect your rights.

## About Our Law Firm

For more than four decades, merchant mariners, longshoremen, fishermen and harbor workers plying their trades at sea, on the docks, on our U.S. coastal waters and inland waterways have turned to the maritime law firm of Lyle C. Cavin, Jr. & Associates in Oakland. Today, we are proud to be recognized as one of the preeminent maritime law firms serving injured marine workers nationwide, as well as one of the most successful personal injury litigation firms serving victims of negligence in the San Francisco Bay Area and throughout the West Coast.

## Team Approach to Every Personal Injury and Jones Act Claim

When you retain Lyle C. Cavin, Jr. & Associates with a Jones Act injury claim or personal injury claim, you don't get just one attorney, you get our entire team of dedicated professionals. Our attorneys offer more than 150 combined years of courtroom and negotiated claims settlement experience. We will represent your interests with unwavering dedication, speed and expertise.

Law Offices of Lyle C. Cavin, Jr. & Associates

*"Serving the Merchant Mariner Since 1970"*

1888CREWLAW or 1888-273-9529

510-444-2501

Fax: 510-444-4209

[www.sealawyer.com](http://www.sealawyer.com)

299 3rd Street, Oakland Ca 94607