

CAUSE NO. _____

HANNAH DASPIT, Individually and as	§	IN THE DISTRICT COURT
Representative of the Estate of Dylan	§	
Daspit, Deceased	§	
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
SEACOR MARINE, LLC, SEACOR	§	
LIFTBOATS LLC, and TALOS	§	
ENERGY LLC	§	_____ JUDICIAL DISTRICT

PLAINTIFF’S ORIGINAL PETITION AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff Hannah Daspit, Individually and as Representative of the Estate of Dylan Daspit, Deceased (“Plaintiff”), complaining of Defendants SEACOR Marine, LLC (“Seacor Marine”) and SEACOR Liftboats LLC (“Seacor Liftboats”) (collectively “Seacor”), and Talos Energy LLC (“Talos”), and for cause of action, would respectfully show this Honorable Court as follows:

I. DISCOVERY CONTROL PLAN

1.1 Plaintiff intends to conduct discovery under Level 3 of Texas Rule of Civil Procedure 190.4.

1.2 Plaintiff affirmatively pleads this suit does not fall under the expedited-actions process of Texas Rule of Civil Procedure because Plaintiff is seeking monetary relief in excess of \$100,000.

II. PARTIES

2.1 Plaintiff Hannah Daspit is a citizen and resident of Louisiana. Hannah Daspit is the surviving spouse of Dylan Daspit, deceased (“Decedent”).

2.2 Defendant SEACOR Marine, LLC is a foreign limited liability company with its principal place of business in Houston, Harris County, Texas, doing business in the state of Texas for the purpose of accumulating monetary profit, and may be served with process through its registered agent National Registered Agents, Inc., 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136.

2.3 Defendant SEACOR Liftboats LLC is a foreign limited liability company, doing business in the state of Texas for the purpose of accumulating monetary profit, and may be served with process through its registered agent National Registered Agents, Inc., 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136.

2.4 Talos Energy LLC is a foreign limited liability company with its principal place of business in Houston, Harris County, Texas, doing business in the state of Texas for the purpose of accumulating monetary profit, and may be served with process through its registered agent CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136.

2.5 Plaintiff specifically invokes the right to institute this suit against whatever entities were conducting business using an assumed or common name, if any, with regard to the events described in this Petition. Plaintiff specifically invokes the right under Rule 28, Texas Rules of Civil Procedure, to have the true name of such parties substituted at a later time, if necessary.

III. JURISDICTION

3.1 This claim is maintained under the Jones Act (46 U.S.C. § 30104) and/or the general maritime law of the United States. This Court has jurisdiction pursuant to the Saving to Suitors clause. This Court also has jurisdiction over this case because Defendants systematically

conducts business in the State of Texas. The damages sought herein are in excess of the minimal jurisdictional limits of this Court.

3.2 It is well-established that Jones Act cases and cases brought under the general maritime law are not removable to federal court.

IV. VENUE

4.1 Venue is proper in Harris County, Texas under Tex. Civ. Prac. & Rem. Code § 15.0181(c) because Harris County is the county where at least one of the Defendant's principal offices is located.

V. FACTUAL BACKGROUND

5.1 At all material times hereto, Seacor Marine and Seacor Liftboats owned, operated and/or crewed the *SEACOR Power* (“*SEACOR Power*” or “vessel”), the vessel to which Dylan Daspit was assigned and on which he lost his life at the time incident made the basis of this suit. At the time of the incident the vessel was performing under the direction and control of Talos, the charterer of the vessel.

5.2 At all material times hereto, Dylan Daspit was working as a member of the crew of the *SEACOR Power* as a borrowed employee of Seacor.

5.3 On April 13, 2021, despite dangerous weather conditions then existing in the Gulf of Mexico, the *SEACOR Power*, at the direction and control of the charterer Talos, left Port Fourchon, Louisiana, with disregard for the deteriorating weather and the lives of the crew members on board the vessel..

5.4 At the time the vessel departed Port Fourchon, the National Weather Service was already warning of tropical storm-force winds accompanied by suddenly higher waves in the

Gulf. Despite these warnings, the vessel left port to deliver equipment to a nearby platform putting money over safety and the lives of the men on board.

5.5 The winds quickly increased in speed after the vessel left land. The *SEACOR Power* took on water and capsized as a result of the poor weather conditions and the conscious decision made by the Defendants to allow the vessel to sail, placing the lives of 19 individuals at risk.

5.6 Since the incident, the Decedent's father, Scott Daspit, has personally searched the waters of the Gulf of Mexico and surrounding shoreline where the vessel was lost, by both air and sea, looking for his son with hope and a prayer. Decedent's loving wife, Plaintiff Hannah Daspit, has also personally searched for her beloved husband Dylan, in the hope of finding him, not only for her, but her two young children who miss their dad. All this to no avail, and caused by the Defendants herein.

5.7 Dylan Daspit lost his life in the tragic capsizing of the vessel, for the decision of these Defendants to put money over his life.

VI. COUNT 1 - JONES ACT

6.1 Decedent's injuries were sustained in the course of his employment and were caused by the negligence and/or gross negligence of Seacor, its officers, agents, or employees, as described herein. While performing his duties in the service of the vessel, Decedent sustained severe injuries, ultimately resulting in his death when the vessel capsized..

6.2 The injuries and death of Decedent and resultant damages to Plaintiff were caused by the negligence and/or gross negligence of Seacor, and unseaworthiness of the vessel, in the following particulars, among others:

- (a) failing to adequately assess the dangerous weather conditions in the Gulf of Mexico when the vessel left Port Fourchon;
- (b) failing to provide proper and adequate equipment to perform the job;
- (c) failing to maintain the vessel and her appurtenances and/or equipment in a safe and reasonable state of repair;
- (d) failing to take reasonable precautions for Decedent's safety;
- (e) failing to perform adequate safety meetings and analyses to identify and minimize the risk to Decedent and others;
- (f) failing to assess the conditions on board the vessel;
- (g) failing to provide Decedent with a reasonably safe place to work, including failing to provide proper equipment and sufficient crew;
- (h) failing to have an emergency rescue plan; and,
- (i) other acts of negligence and/or omissions to be shown at trial herein.

VII. COUNT 2 - UNSEAWORTHINESS

7.1 Decedent's injuries and death and Plaintiff's resultant damages were caused by Seacor's breach of duty to furnish a seaworthy vessel.

VIII. COUNT 3 - NEGLIGENCE

8.1 Talos owed Decedent a duty to exercise ordinary care.

8.2 The injuries and death of Decedent and resultant damages sustained by Plaintiff were proximately caused by the negligence of Talos, including without limitation, one or more of the following acts:

- (a) failing to prepare for the dangerous weather conditions in the Gulf of Mexico on the date of the incident;
- (b) failing to adequately assess the dangerous weather conditions in the Gulf of Mexico on the date of the incident;

- (c) failing to implement sufficient policies and procedures to have prevented this tragedy;
- (d) failing to ensure the safety of workers aboard the vessel;
- (e) failing to perform all operations in a safe and work-like manner;
- (f) failing to properly plan and supervise the job;
- (g) failing to adequately assess and mitigate risks before the job;
- (h) ordering the vessel to sea in unsafe conditions as the charterer;
- (i) failing to have an emergency rescue plan; and,
- (j) other acts of negligence and/or omissions to be shown at trial herein.

8.3 Each of the above listed acts and/or omissions, taken singularly or in combination, were a proximate cause of the incident made the basis of this suit and the injuries and death of Decedent and resultant damages of Plaintiff.

IX. COUNT 4 - GROSS NEGLIGENCE

9.1 Defendants' acts and/or omissions rose to the level of gross negligence and warrant the imposition of exemplary damages. Defendants were well aware of the risk of harm to Decedent, yet exhibited conscious indifference to the rights of Decedent, which proximately caused his injuries and death, and resultant damages complained of herein.

X. DAMAGES

10.1 As a result of Defendants' acts and omissions, Plaintiff Hannah Daspit lost her husband, and has been made to suffer and sustain significant damages. Dylan Daspit suffered unspeakable fear, terror, and pain—then lost his life. The amount of monetary relief sought is within the sole discretion of the trier of fact, who will consider the evidence and decide what

amount will compensate said Plaintiff for Defendants' acts and omissions. Plaintiff Hannah Daspit seeks all damages allowed by law for wrongful death and the Estate's survival actions.

10.2 Defendants proximately caused injury and death to Dylan Daspit, which resulted in the following damages, among others, to the Estate of Dylan Daspit: (a) physical pain in the past; (b) mental anguish in the past; (c) disfigurement in the past; (d) physical impairment in the past; (e) medical expenses in the past; (f) loss of earnings and loss of future earning capacity; (g) burial expenses; and (h) exemplary and punitive damages.

10.3 Defendants proximately caused injury and death to Dylan Daspit, which resulted in the following damages, among others, to Plaintiff Hannah Daspit: (a) loss of companionship and guidance in the past and future; (b) mental anguish in the past and future; (c) loss of earning capacity in the past and future; (d) loss of love, affection, care, attention, and consortium in the past and future; (e) loss of household services in the past and future; and (f) exemplary and punitive damages.

10.4 Plaintiff seeks all damages allowed by law.

10.5 Plaintiff seeks in excess of \$25,000,000.00 and exemplary damages in the conscience of the trier of fact to deter such conscious indifference to human life and suffering and to deter corporations placing corporate profits, money, and power over lives of hardworking Americans.

XI. CLAIM FOR RELIEF

11.1 Pursuant to Tex. R. Civ. P. 47(c)(4), Plaintiff is seeking monetary relief over \$1,000,000.

XII. JURY DEMAND

12.1 Plaintiff demands a trial by jury and tenders payment at the time of filing hereof.

WHEREFORE, Plaintiff prays the Court issue citation for Defendants to appear and answer, and that Plaintiff be awarded judgment against Defendants, for the following:

- a. Actual damages;
- b. Exemplary damages;
- c. Prejudgment and postjudgment interest;
- d. Court costs;
- e. Punitive damages and attorney's fees; and
- f. All other relief to which Plaintiff is entitled.

Respectfully submitted,

/s/ Francis I. Spagnoletti

Francis I. Spagnoletti

TX SBN 18869600

frank@spaglaw.com

Marcus R. Spagnoletti

TX SBN 24076708

mspagnoletti@spaglaw.com

Eric J. Rhine

TX SBN 24060485

erhine@spaglaw.com

SPAGNOLETTI LAW FIRM

401 Louisiana Street, 8th Floor

Houston, Texas 77002

Telephone: 713.653.5600

Facsimile: 713.653.5656

ATTORNEYS FOR PLAINTIFF