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Transocean executive injured in Deepwater Horizon explosion wants damage case transferred to Texas state court

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By

Tongue planted firmly in cheek, the attorney for Transocean executive Buddy Trahan -- severely injured during the Deepwater Horizon disaster - has used quotes from authors Franz Kafka and Tennessee Williams and singer/songwriter Bob Dylan to support his demand for Trahan's damage lawsuit against BP and co-defendants to be returned to a Houston courtroom.

Attorney Lance Lubel, in his motion filed on Mardi Gras day in federal court in New Orleans that is appropriately entitled "Buddy Trahan's Metaphorical Request For A Ride On The Streetcar Named Remand," compares his client to "Josef K," the fictional character in Kafka's novel, "The Trial," who was described as "a young man entangled in the arcane and inscrutable webs of the law."

In Trahan's case, Lubel argues, the problem is that his lawsuit against BP and other companies responsible for the Deepwater Horizon explosion involves only damage claims under Texas state law and should be tried there.

But the case was added to the myriad of lawsuits transferred to the New Orleans federal court, where U.S. District Judge Carl Barbier will consider their claims in "bundles" in what could be at least three separate trials, each of which could last weeks or months.

"The economic and environmental victims of the Deepwater Horizon disaster -- who belong in federal court because their claims derive from federal statutes--are well on their way to an ultimate resolution," Lubel argued. "But physical victims of the tragedy like Buddy Trahan - who belong in state court because the federal courts lack jurisdiction over their claims -- have seen their needs and just deserts sacrificed to an unfortunate form of relative justice.

"At the same time, those who caused the disaster have benefited by Buddy Trahan's relegation to the Twilight Zone: with no fear of facing judgment day any time soon, their incentive is simply to ignore him," he wrote.

Trahan, who oversaw six of Transocean's rigs in the Gulf, was part of a team of senior Transocean executives visiting the company's Deepwater Horizon rig on April 20 when it was destroyed in a natural gas explosion.

He was thrown 30 feet through a wall and he was impaled on a steel door hinge that had made a fist-sized hole in his neck when he was discovered by another rig worker beneath explosion rubble minutes after the accident.

He suffered a dozen broken bones, eight other deep lacerations, and burns over 25 percent of his body, has undergone nine surgeries to repair the damage and faces more.

Trahan did not include Transocean in his suit. The company had paid more than \$1.5 million in health costs as of August 2010 and kept him on the payroll, according to a Bloomberg News article at that time.

In the motion, Lubel said he's concerned that Trahan's case will be lost in the melee that is likely to ensue if there's a broad-based settlement soon after the trial begins next Monday.

"Some would say that Buddy Trahan's plight has reached a state of disgrace, and is worthy of shedding societal tears," Lubel wrote, alluding to Dylan's song, "The Lonesome Death of Hattie Carroll."

Instead, he said, Barbier should lift the moratorium on deciding motions to transfer lawsuits like Trahan's back to state courts, so they can be heard before the proper forum.

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