



Bert M. Cass, Jr.

Partner

504.593.0643

bcass@deutschkerrigan.com

Practices

Admiralty

Energy

Industries

Energy

Maritime

Bar Admissions

Louisiana

Education

J.D., Loyola University of New Orleans

B.B.A., Loyola University of New Orleans

Bert M. Cass, Jr., is a jury trial litigator concentrating in the defense of bodily injury and death cases particularly in marine and offshore litigation claims.

His practice focuses on defending vessel owners, oil and gas producers, exploration and drilling companies, facility operators, distributors, and offshore service contractors and their insurers against personal injury, wrongful death and survival claims. He is experienced in energy-related claims, including interpretation of indemnity and insurance requirements in vessel charters and Master Service Agreements, as well as interpreting the oil field anti-indemnity acts of Louisiana and Texas.

Mr. Cass also defends vessel owners and their insurers against property damage claims involving complex legal issues. In one such case involving damages to an underwater pipeline by one of our clients, his efforts resulted in a res nova ruling by the Fifth Circuit Court of Appeals that a vessel owner's decision to plead limitation of liability as a defense in a single action with multiple claimants does not open it to greater total liability. *Signal Oil & Gas Co. v. Barge W-701*, 654 F.2d 1164, (CA 5th Cir. LA 1981).

Mr. Cass has presented seminars on maritime tort litigation and is involved with state and local bar associations. He is also a member of the Maritime Law Association of the United States, the Southeastern Admiralty Law Institute, and the Louisiana Association of Defense Counsel.

Professional Associations

- Maritime Law Association
- Admiralty Law Institute
- Offshore Marine Services Association
- Southeast Admiralty Law Institute
- Federal Bar Association
- New Orleans Bar Association

Accolades

- *Martindale-Hubbell*TM AV Preeminent[®] Peer Review Rated Lawyer
- Louisiana *SuperLawyers*, 2007-2018
- *The Best Lawyers in America*[®], 2007-2020
- *New Orleans Magazine*'s "Top Lawyers," 2012-2015, 2018

Representative Successes

- **Crescent Energy Services, LLC v. Carrizo Oil & Gas, Inc.**

In *Crescent Energy Services, LLC v. Carrizo Oil & Gas, Inc.*, the circuit applied the test to a contract to plug and abandon oil wells located in Louisiana's inland waters. After an employee was injured during the project, Crescent and its insurers said Louisiana law applied, thus relieving them of indemnity obligations. But a Fifth Circuit panel found that Carrizo's contract was maritime in nature, because it met the standards set out in the new test — namely, that the work was being conducted in navigable waters and that vessels were required to do the work. The ruling upheld a district court decision granting summary judgment to Carrizo, which was represented at the appellate and trial courts by Deutsch Kerrigan.

- **Removal of General Maritime Law Case joined with Jones Act Claim - Case of First Impression - *Wells v. Abe's Boat Rentals, Inc.***

Wells v. Abe's Boat Rentals, Inc., et al., Civil Action No. H-13-1112, 2013 WL 3110322 (S.D. Tex. June 18, 2013) Messrs. Hale and Cass, in a case of first impression in the United States, removed a case in which they defended a platform owner/operator being sued by a seaman under the general maritime law, which was also joined with Jones Act and general maritime law negligence and unseaworthiness claims against the seaman's employer. Plaintiff moved to remand the entire case, but the District Court provided the relief sought by DKS' client, finding the general maritime law claims were removable under the amended removal statute and maintaining jurisdiction over the general maritime claims against the platform owner/operator, while severing the claims against the Jones Act employer and remanding those claims to state court. This case has been subsequently cited by parties and courts all over the United States in the simmering dispute over the removability of general maritime law claims.

- **Premises Liability - *Kenneth W. Gray, v. Energy XXI GOM, LLC, Energy XXI (Bermuda) Ltd., and John L. Soileau, Inc.***

In May of 2013, Mr. Cass and Ms. Salter, defended the owners and operators of a fixed production platform in a slip and fall lawsuit filed in the United States District Court for the Middle District of Louisiana. The owners and operators of the platform have interests in six of the eleven largest oil fields in the Gulf of Mexico with a market cap of \$2.0 billion. After taking the deposition of the Plaintiff, the owners and operators filed a Motion for Summary Judgment based on the testimony elicited from the Plaintiff. In his ruling, Judge James Brady stated the "uncontroverted evidence presented in the owners' and operators' reply brief" shows there was no evidence of an unreasonable risk of harm. In denying the co-defendant's Motion for Summary Judgment the Court highlighted the plaintiff and co-defendant's failure to respond to the owners and operators independent contractor argument. The court held, even if the co-defendant is ultimately held liable for Plaintiff's injuries, the owners and operators would not be held liable as the co-defendant's principal. All claims against the owners and operators were dismissed with prejudice.

Kenneth W. Gray, v. Energy XXI GOM, LLC, Energy XXI (Bermuda) Ltd., and John L. Soileau, Inc., United States District Court for the Middle District of Louisiana No. 12-cv-165JJB

- **Jones Act Personal Injury Defense - *Amos Chauvin v. Antill Pipeline Construction Company, et al.***

Mr. Cass and Mr. Hale obtained a defense judgment in a Jones Act case in which their client was sued for damages due to a severe hand injury requiring seven surgeries. The plaintiff, a tugboat captain, injured his right hand when he slipped and fell aboard the defendant's vessel. He claimed that his accident was caused because his employer was negligent and the vessel unseaworthy; however, Mr. Cass and Mr. Hale argued that the accident was the plaintiff's sole fault. The judge agreed with the defense and the plaintiff was denied any damages.

Amos Chauvin v. Antill Pipeline Construction Company, et al., USDC EDLA #09-5923 "K" (2).

- **Jones Act Personal Injury Defense - *Jerry Hankins v Preheat Inc and Transocean Deepwater Drilling Inc.***

Mr. Cass and Mr. Hale obtained a defense verdict on behalf of Transocean, owner of the Deepwater Horizon drill ship, in March 2010. The plaintiff claimed to have been seriously injured while climbing an allegedly defective ladder aboard the drill ship and sued Transocean for damages under general maritime law and his employer under the Jones Act. Deutsch, Kerrigan & Stiles obtained a summary judgment dismissal of the Jones Act claim. The damages case was tried in Plaquemine Parish against Transocean, where the defense team of Mr. Cass and Mr. Hale convinced the court that Transocean was free of fault and the suit was dismissed with prejudice.

- **Personal Injury - *Joseph Vitari v Lou Con et. Al***

Mr. Cass obtained a defense verdict for his client, a general contractor, who was being sued for millions in a serious personal injury suit. The sheet metal worker plaintiff alleged that the contractor had improperly placed and installed a safety gate, which he was opening from atop a ladder, when he fell eighteen feet, crushing his left heel, ankle, and left elbow. Four other defendants settled a week before the trial, leaving Mr. Cass to face three plaintiff's attorneys, their experts, and the plaintiff's co-workers, who testified that opening the safety gate while standing on the ladder was dangerous and who were critical of the gate's placement. After a jury trial that lasted from May 5-14, 2008, the jury found in the defendant's favor. The case was tried in Civil District Court for Orleans Parish, which is a notoriously unfriendly forum for defendants.

Joseph Vitari v Lou Con et. al, New Orleans, Civil District Court

Presentations

- "Bodily Injury & Death," Tulane Admiralty Law Institute and Maritime Law Association's 50-Year Reunion, Tulane University, October, 2016
- "Maritime Tort Litigation from A to Z," Webinar presentation, National Business Institute; December 28, 2011