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U.S.

Third Lawsuit Filed by Family of Crew Members on Sunken Cargo Ship El Faro

Suit alleges El Faro was routinely and dangerously over-loaded with cargo and lacked safety equipment



The latest lawsuit from a family member of El Faro's crew alleges the container ship's owner failed to maintain it and negligently sent it out to sea as Hurricane Joaquin gained strength. *PHOTO: TOTE MARITIME/EUROPEAN PRESSPHOTO AGENCY*

By **ROBBIE WHELAN**

Oct. 23, 2015 2:56 p.m. ET

The cargo ship El Faro had faulty electrical systems, corroded steel and defective satellite equipment, according to a federal lawsuit filed Thursday by the wife of Jackie Jones, Jr., a mariner who is believed dead after the ship sank in Hurricane Joaquin this month.

Addressa Shirliea Jones, Mr. Jones' wife and the mother of their four children, alleged

in a lawsuit in federal court in Jacksonville, Fla., that El Faro's owner failed to maintain the ship and negligently sent it out to sea as the hurricane gained strength, violating the federal Death on the High Seas Act as well as the Jones Act, which governs domestic shipping.

Michael Hanson, a spokesman for the company that employed El Faro's crews, TOTE Maritime Puerto Rico, said the company "will not discuss individual legal actions, out of respect for the legal process. Our focus remains on support and care for the families and their loved ones," he said.

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- El Faro Owner Had Been Told to Service Boilers (<http://www.wsj.com/articles/el-faro-owner-had-been-told-to-service-boilers-1445367628>)
- Family Members Gather to Remember El Faro's Lost Mariners (<http://www.wsj.com/articles/family-members-gather-to-remember-el-faros-lost-mariners-1444353393>) (Oct. 8)
- Coast Guard Believes El Faro Sank in Hurricane Joaquin (<http://www.wsj.com/articles/coast-guard-believes-el-faro-sank-in-hurricane-joaquin-1444057113>) (Oct. 6)

Ms. Jones's suit is the third major lawsuit to be filed in the past week against TOTE Maritime and its affiliate, Sea Star Line LLC, which is registered as the owner of El Faro. The family of seaman Lonnie Jordan filed a wrongful-death suit seeking \$100 million last week, and the family of third mate Jeremie Riehm filed another suit seeking an unspecified amount in damages.

El Faro was carrying cargo of cars and consumer goods to San Juan, Puerto Rico. On Tuesday, the National Transportation Safety Board, which is investigating the sinking of the ship, reported that El Faro had passed all recent safety inspections. It was scheduled to

have its boilers serviced in November, the agency said.

Although federal investigators are still working with the Navy to locate the ship's wreckage and its voyage data recorder, the equivalent of a black box, Scott Wagner, the Jones family's attorney, said his firm gathered information about its condition through interviews with one of its former crewmen.

Mr. Jones' suit contains several allegations about the condition of the vessel, including that it was "routinely overloaded with cargo, including vehicles, that created hazardous conditions," and didn't have on board functioning Emergency Position Indicating Radio Beacons, a type of satellite equipment that conveys data about location and is submersible in water.

The suit also claims that the ship's steel was corroded by electrolysis and had electrical

problems.

El Faro called ashore in the early morning hours of Oct. 1, to report it had lost propulsion, its hull had been breached, a hatch had blown off and it was taking on water. The vessel's last known position was about 30 miles from Crooked Island in the Bahamas, near the center of Hurricane Joaquin, which eventually became a category 4 hurricane, with winds of about 140 miles an hour and waves as high as 50 feet. The Coast Guard called off its search for survivors after more than six days, and all 33 crew members are believed to have died.

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