

## ADMIRALTY COMMITTEE

### MARITIME BELIEVE-IT-OR-NOT



Barbara Cook  
Chair

James Hausman, owner of The Gold Center in Illinois, embarked on a 270-day world cruise with his wife Carol and their 8-year-old daughter aboard Holland America Line's (HAL) MS Amsterdam, from Seattle, Washington, on September 26, 2011.

While the cruise ship was sailing to Honolulu, Hawaii, Hausman was injured aboard the cruise ship sustaining a head injury. The lawsuit says Hausman was walking from his cabin to the swimming pool on deck 8, following a group of crew members through a set of automatic double doors to the pool.

The lawsuit claims a set of automatic doors suddenly opened, striking Hausman in the head. The lawsuit further claims, among other things, Hausman suffered "traumatic brain injury, post-traumatic vertigo, seizures, epilepsy, neuropsychological, psychosocial impairments."

Holland America Line had months to prepare for a potential lawsuit, to follow and document Hausman after the head injury, as the Hausmans went on enjoying their cruise. HAL produced photos of Hausman on various excursions from the ship, including a video of him riding an elephant. He spent 7-8 hours a day, seven days a week for 270 days, running his business while on the cruise, despite his traumatic brain injury.

After a two week jury trial in October, 2015, the jury rendered a verdict in favor of Plaintiff, awarding five million in compensatory damages and 16.5 million in punitive damages, based on 100% responsibility to HAL, none to Hausman. In November, HAL filed a Motion to Vacate Judgment and for Dismissal or for New Trial based on fraud on the court, violation of discovery orders, intentional destruction of evidence, and witness tampering. Holland America also seeks to reduce the compensatory and punitive damages "in line with general maritime law proportioning punitive to compensatory damages."

**UPDATE:** On January 5, 2016, the Court in a 25-page Order granted HAL's Motion to Vacate and ordered a new trial. The basis for granting the Motion was "clear and convincing evidence that the Plaintiff, James R. Hausman, engaged in discovery misconduct, and ... the misconduct substantially interfered with Defendants' ability to fully and fairly prepare for and proceed to trial." The misconduct was brought to the Defendant's attention by Hausman's recently fired personal assistant, whose testimony the court found very credible, while it found Hausman's rebuttal testimony evasive and self-serving.

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