

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

TIM B. VALMONT and LINDA VALMONT,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO: STCV22-01601
)	
HSL HUSUM SHIPPING LTD. and)	
HAMMONIA REEDEREI GMBH & CO. KG,)	
)	
Defendants.)	

ORDER FOR SERVICE BY PUBLICATION

IT IS SO ORDERED THAT service of the Summons, Complaint, and all related court-issued documents in the above captioned case, be published in Global Legal Notices, LLC, a publication of general circulation in Hamburg, Germany, for a period of four (4) consecutive weeks, naming the Defendants, and that Proof of Publication be filed with this Court no later than thirty (30) days after completion of publication.

This 30th day of November, 2022.



The Honorable Derek White
Judge, State Court of Chatham County

Order Prepared by:
Zachary R. Sprouse
Georgia Bar No: 276708
Savage Turner Pinckney Savage & Sprouse
102 E. Liberty Street, 8th floor
Savannah, Georgia 31401
(912) 231-1140



In The State Court of Chatham County

133 Montgomery Street, Room 501, Savannah, GA 31401

www.statecourt.org • Phone (912) 652-7224 • FAX (912) 652-7229 • clerk@statecourt.org

TIM B. VALMONT AND LINDA VALMONT,

Plaintiff

STCV22-01601

Case Number

Vs

HSL HUSUM SHIPPING LTD. and
HAMMONIA REEDEREI GMBH & CO. KG,

Defendant

Address of Defendant

HSL HUSUM SHIPPING LTD.
Neumuehlen 9
22763 Hamburg, Germany

SUMMONS

TO THE ABOVE NAMED DEFENDANT: HSL HUSUM SHIPPING LTD.

Defendant's Address Neumuehlen 9, 22763 Hamburg, Germany

You are hereby summoned and required to efile (<https://georgia.tylerhost.net/ofswweb/>) with the Clerk of said Court and serve upon Plaintiff's Attorney, whose name and address is:

BRENT J. SAVAGE
SAVAGE TURNER PINCKNEY SAVAGE & SPROUSE
PO BOX 10600
SAVANNAH, GA 31412

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.

Brian K. Hart
CLERK OF COURT
State Court of Chatham County

/s/ Rebekah Jenkins

Deputy Clerk, State Court of Chatham County

Not valid until
signed and sealed
by a Deputy Court
Clerk

PRINT



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TIM B. VALMONT AND LINDA VALMONT,

Plaintiff

STCV22-01601

Case Number

Vs

HSL HUSUM SHIPPING LTD. and
HAMMONIA REEDEREI GMBH & CO. KG,

Defendant

Address of Defendant

HAMMONIA REEDEREI GMBH & CO. KG
Neumuehlen 9
22763 Hamburg, Germany

SUMMONS

TO THE ABOVE NAMED DEFENDANT: HAMMONIA REEDEREI GMBH & CO. KG

Defendant's Address Neumuehlen 9, 22763 Hamburg, Germany

You are hereby summoned and required to efile (<https://georgia.tylerhost.net/ofswweb/>) with the Clerk of said Court and serve upon Plaintiff's Attorney, whose name and address is:

BRENT J. SAVAGE
SAVAGE TURNER PINCKNEY SAVAGE & SPROUSE
PO BOX 10600
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an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.

Brian K. Hart
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/s/ Rebekah Jenkins

Deputy Clerk, State Court of Chatham County

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Clerk

PRINT

General Civil and Domestic Relations Case Filing Information Form

Superior or State Court of CHATHAM County

For Clerk Use Only
Date Filed 9/19/2022
Case Number STCV22-01601

Plaintiff(s)
VALMONT, TIM B.

Defendant(s)
HSL HUSUM SHIPPING LTD.

Last First Middle I. Suffix Prefix
VALMONT, LINDA

Last First Middle I. Suffix Prefix
HAMMONIA REEDEREI GMBH & CO. KG

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Plaintiff's Attorney BRENT J. SAVAGE

Bar Number 627450 Self-Represented

Check One Case Type in One Box

General Civil Cases
Automobile Tort
Civil Appeal
Contract
Garnishment
General Tort
Habeas Corpus
Injunction/Mandamus/Other Writ
Landlord/Tenant
Medical Malpractice Tort
Product Liability Tort
Real Property
Restraining Petition
Other General Civil

Domestic Relations Cases
Adoption
Dissolution/Divorce/Separate Maintenance
Family Violence Petition
Paternity/Legitimation
Support - IV-D
Support - Private (non-IV-D)
Other Domestic Relations

Post-Judgment - Check One Case Type
Contempt
Non-payment of child support, medical support, or alimony
Modification
Other/Administrative

Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number Case Number

I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

Is an interpreter needed in this case? If so, provide the language(s) required. Language(s) Required

Do you or your client need any disability accommodations? If so, please describe the accommodation request.



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TIM B. VALMONT AND LINDA VALMONT

Plaintiff

Counsel or Party Counsel or Party
STCV22-01601

Case Number

Vs

HSL HUSUM SHIPPING LTD. and
HAMMONIA REEDEREI GMBH & CO. KG

Defendant

CERTIFICATION UNDER RULE 3.2

Pursuant to rules 3.2 and 3.4 of the Uniform Superior Court Rules and Local Rule # 3.2 of the Eastern Judicial Circuit of Georgia, I hereby certify that no case has heretofore been filed in the State Court of the Eastern Judicial Circuit involving substantially the same parties or substantially the same subject matter or substantially the same factual issues which would require the petition-pleading to be specifically assigned to the judge whom the original action was or is assigned.

This 17 day of SEPTEMBER, 20

[Handwritten Signature]

Counsel or Party

OR

Pursuant to Rules 3.2 and 3.4 of the Uniform Superior Court Rules and Local Rule # _____ of the Eastern Judicial Circuit of Georgia, I hereby certify that this petition-pleading involves substantially the same parties or substantially the same factual issues as in Case # _____

Plaintiff VS Defendant

Filed in The Eastern Judicial Circuit of Georgia which under Rule 3.2 of the Superior Court rules require the petition-pleading, be specifically assigned to the Judge whom the original action was or is assigned.

Counsel or Party

PRINT

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

TIM B. VALMONT and LINDA VALMONT,)
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 Plaintiffs,)
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 v.)
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 HSL HUSUM SHIPPING LTD. and)
 HAMMONIA REEDEREI GMBH & CO. KG,)
)
 Defendants.)

STCV22-01601
CIVIL ACTION NO: _____

COMPLAINT FOR DAMAGES

COME NOW, TIM B. VALMONT and LINDA VALMONT, Plaintiffs in the above-styled action, and brings this Complaint for Damages against the above-named Defendants, respectfully showing this Court as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiffs are citizens and residents of Chatham County, Georgia.
2. Defendant HSL HUSUM SHIPPING LTD. is a foreign maritime entity with its principal office and place of business located at Neumuehlen 9, 22763 Hamburg, Germany.
3. Defendant HSL HUSUM SHIPPING LTD. will be served with process in compliance with the requisite international treaties and other legal obligations.
4. At all times relevant to this cause of action, Defendant HSL HUSUM SHIPPING LTD., was doing business in the State of Georgia within Chatham County.

5. Defendant HAMMONIA REEDEREI GMBH & CO. KG is a foreign maritime entity with its principal office and place of business located at Neumuehlen 9, 22763 Hamburg, Germany.

6. Defendant HAMMONIA REEDEREI GMBH & CO. KG will be served with process in compliance with the requisite international treaties and other legal obligations.

7. At all times relevant to this cause of action, Defendant HAMMONIA REEDEREI GMBH & CO. KG was doing business in the State of Georgia within Chatham County.

8. Upon information and belief, Defendants own, manage, operate, direct, and crew vessels, including the *M/V HAMMONIA HUSUM*, to call upon and transact business in the Port of Savannah, Chatham County, Georgia, on a routine, regular, and systematic basis.

9. This cause of action is based upon injuries sustained by Plaintiffs on the navigable waters of the United States, more specifically, in Chatham County, Georgia.

10. Plaintiffs bring this cause of action under the Savings to Suitors clause of 28 USC § 1333, general maritime law, Georgia law, and all laws supplementary and amendatory thereto.

11. Jurisdiction and venue are proper in this Honorable Court.

II. FACTUAL ALLEGATIONS

12. On or about January 4, 2020, Plaintiff Tim B. Valmont was working as a reefer technician aboard the *M/V HAMMONIA HUSUM* at the Garden City Terminal of the Georgia Ports Authority.

13. In the course of his employment duties on said date and place, Plaintiff Tim B. Valmont was directed to perform certain duties on the vessel *M/V HAMMONIA HUSUM*, and was lawfully on the vessel at all times mentioned herein.

14. Upon information and belief, Defendants own, manage, operate, directs, and crews vessels, including the *M/V HAMMONIA HUSUM*, to call upon and transact business in the Port of Savannah, Chatham County, Georgia, on a routine, regular, and systematic basis.

15. At all times herein mentioned, the *M/V HAMMONIA HUSUM* was located on the navigable waters of the United States and within the State of Georgia for the purpose of loading and discharge of cargo.

16. While in the process of performing his duties on the *M/V HAMMONIA HUSUM*, Plaintiff Tim B. Valmont injured his spine in the Bay 34 hold while attempting to lift a hinged metal hatch cover to climb down the ladder system to get to the refrigerated containers below deck. The hatch cover was poorly maintained, rusty and had become stuck. Plaintiff sustained serious and significant injuries as a result.

III. CAUSES OF ACTION

A. Negligence

17. Defendants had substantial control, oversight and knowledge of the equipment/appurtenances onboard the *M/V HAMMONIA HUSUM*, and breached its duty to Plaintiff and other longshoreman by failing to exercise reasonable care to properly maintain the vessel and its equipment and ensure that the workers aboard the vessel were provided with equipment fit for the equipment/appurtenance's intended use.

18. Defendants knew or should have known there was an unsafe risk that a poorly maintained hatch cover could result in substantial injuries to those working aboard the vessel.

19. Upon information and belief, Defendants were in charge of, responsible for, and/or had control over the safe condition of the vessel and breached their duties to Plaintiff by failing to properly maintain and repair the subject vessel hatch cover or otherwise keep the area safe.

20. Plaintiff's injuries were proximately caused by the negligence of Defendants, its agents, servants or employees, acting in the following respects:

- a. Negligent failure to warn Plaintiff of the defective condition of the *M/V HAMMONIA HUSUM* and its appurtenances/vessel equipment;
- b. Negligent failure to equip, operate, maintain, inspect, and replace damaged or defective vessel equipment/appurtenances;
- c. Employment of incompetent officers, crew, and/or maintenance personnel responsible for equipping, operating, maintaining, inspecting and repairing or replacing damaged or defective vessel equipment/appurtenances;
- d. Negligent failure to properly train officers, crew in the acts of equipping, operating, maintaining, inspecting and repairing or replacing damaged or defective vessel equipment/appurtenances;
- e. Negligent failure to equip, operate and maintain the vessel in a reasonably safe condition and failure to provide Plaintiff with a reasonably safe place to work;

f. Other acts of negligence which will appear more fully at the trial of this matter.

21. Defendants' above-described negligent acts and omissions constitute a proximate cause of the injuries sustained by Plaintiffs.

IV. INJURIES AND DAMAGES

22. As a result of the Defendant's wrongful acts, Plaintiff Tim B. Valmont has incurred serious and substantial medical expenses, lost wages, and has endured and will continue to endure physical and mental pain and suffering.

23. Plaintiff Tim B. Valmont's injuries are permanent in nature, resulting in certain physical impairments and lost wages/earnings.

24. Plaintiff Linda Valmont is the wife of Plaintiff Tim Valmont.

25. The tortious acts of Defendant have wrongfully deprived Plaintiff Linda Valmont of the solace, society, consortium, support and companionship of her husband.

26. Plaintiffs' damages are a direct and proximate result of the negligent acts and omissions of Defendants and Defendants' employees and agents.

WHEREFORE, Plaintiffs pray for the following relief:

- (A) That summons and process issue and be served upon Defendants;
- (B) For a trial by a jury comprised of twelve persons;
- (C) That the Plaintiffs be awarded an appropriate sum to compensate for their injuries and damages;
- (D) That the Plaintiffs be awarded reasonable attorney's fees and litigation expenses; and

(D) That Plaintiffs recover such other and further relief as this Court deems just and proper.

This 17 day of September, 2022.



Brent J. Savage
Georgia Bar No. 627450
Zachary R. Sprouse
Georgia Bar No. 276708

SAVAGE, TURNER, PINCKNEY
SAVAGE & SPROUSE
Post Office Box 10600
Savannah, GA 31412
(912) 231-1140

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 HSL HUSUM SHIPPING LTD. and)
 HAMMONIA REEDEREI GMBH & CO. KG,)
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 Defendants.)

CIVIL ACTION NO: STCV22-01601

PLAINTIFFS' FIRST INTERROGATORIES TO DEFENDANTS

COME NOW, Plaintiffs in the above-styled case, and require Defendants to answer under oath and in writing the following interrogatories, pursuant to O.C.G.A. §9-11-33 within forty-five (45) days from the date of service hereof.

NOTICE AND DIRECTIONS

NOTE A: You are hereby required to respond to the Interrogatories, separately and fully in writing under oath, within thirty (30) days of service and serve a copy of the response upon Plaintiff's attorney.

NOTE B: When used in the Interrogatories the term "Defendant" or "you" or any synonym thereof, is intended to and shall embrace and include Ledra Marine, S.A., individually, as well as all attorneys, agents, servants, representatives, private investigators and others who are in a position of obtaining or may have obtained information for or on behalf of Defendant relevant to these Interrogatories.

NOTE C: These Interrogatories shall be deemed continuing so as to require supplemental answers if you or your attorneys obtain further information between the time answers are served and the time of trial. Any such supplemental answers are to be filed and served upon counsel for the Plaintiffs within thirty (30) days from receipt of such additional information but not later than ten (10) days prior to the time of trial.

NOTE D: "Document" means: (1) every writing or record of every type and description that is or has been in your possession, control, or custody or of which you have knowledge, including but not limited to, correspondence, inter-office memoranda, tapes, email, computer files, hard disks, databases, backup tapes, stenographic or hand-written notes, studies, publications, books, pamphlets, pictures (drawings and photographs), films, microfilms, voice recordings, maps, reports, surveys, minutes, statistical computations, invoices, production orders, sales records, and any other writing evidencing or reflecting facts relevant to the Plaintiff's claims; (2) every copy of the above-described writing record where the original is not in your possession, custody or control; (3) every copy of each such writing or record where such a copy is not an identical copy of the original by virtue of any commentary or notation that does not appear on the original.

NOTE E: Throughout these interrogatories, where Defendant is requested to identify a person, the following information should be furnished:

- (a) The person's full name;
- (b) His or her present home and business address and telephone number at each address;
- (c) His or her occupation; and

(d) His or her place of employment.

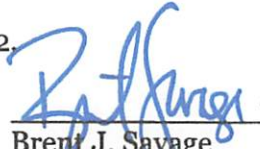
NOTE F: As used herein, terms in the singular include the plural and terms in the plural include the singular.

1. Please state the name, address, telephone number, brief summary of the knowledge said person has/claims to have and employer/job title at the time of Plaintiff's injury of each and every person who has or claims to have knowledge or information (including medical information) regarding any facts, circumstances, or issues involved in Plaintiff's Complaint.
2. Please state the name, address and telephone number of those persons whose formal or informal statements, verbal or written, were obtained by you or any of your representatives in connection with the incident in question or any issue in this lawsuit. State the date of each statement, state where it was obtained, and identify by name, address and telephone number the person obtaining it.
3. Do you have in your possession or do you have access to a written or recorded statement or summary of notes of an oral statement by Plaintiff? If so, please state the date of each statement, where it was obtained, and identify by name, address and telephone number the person obtaining it.
4. Please state the name, address, telephone number, employer, and job title of any person or persons who made any investigations or reports as a result of or in connection with the incident giving rise to this lawsuit, and identify by title each report or other document resulting from same.

5. Do you have, or does your attorney or other representative have any photographs, videotapes, sketches, diagrams, blueprints, plans, etc., taken or made in connection with the Plaintiff's injury or the matters and things involved in Plaintiff's claim or this lawsuit?
6. Please state the name, address, telephone number, opinions held, list of documents upon which they rely, list of all records provided and field of expertise of any person you will call at trial as an expert witness.
7. Were any corrective actions taken in response to Plaintiff's injuries? If so, what were they?
8. At the time of the Plaintiff's injury as described in the Complaint, please provide the name and address of each insurer, the policy number and limits of liability for each type of coverage and the nature of any exclusions for any policies (primary or excess) of insurance insuring your liability for the type of risk sued on herein.
9. Please state the wording of any safety or operating rules, regulations or recommendations, whether written or verbal, pertaining to Plaintiff's work activity at the time of the injury described in the Complaint.
10. Were any written reports made of any inspections of the hatch cover around Bay 34 that is alleged to have injured the Plaintiff prior to or subsequent to Plaintiff's injury?
11. If any written or oral reports were made of any such inspections referred to in the preceding interrogatory, please state the date of such report, and

- 18. Do you contend Plaintiff was contributorily negligent in any way?
- 19. Do you contend any third party not named in this lawsuit was contributorily negligent? If so, how?
- 20. For the chief officer, first mate, second mate, and any other crew or seamen working at the time of the subject incident, identify and describe their job duties while onboard the vessel, and identify any and all individuals under their supervision.

This 17 day of September, 2022,



Brent J. Savage
Georgia Bar No. 627450
Zachary R. Sprouse
Georgia Bar No. 276708

SAVAGE, TURNER, PINCKNEY
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 Defendants.)

CIVIL ACTION NO: STCV22-01601

**PLAINTIFFS' FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS TO DEFENDANTS**

COME NOW, Plaintiffs in the above-styled case, and require Defendants, pursuant to O.C.G.A. §9-11-34, to produce for inspection and copying at the offices of the Plaintiffs' attorney of record, Brent J. Savage, at Savage, Turner, Pinckney, Savage & Sprouse, 102 East Liberty Street, Eighth Floor, Savannah, Georgia 31401, the following documents within forty-five (45) days of the date of service of this request.

Plaintiffs request that, along with the production of documents, a written response be made detailing the documents produced and any documents covered by these requests which the Defendants object to producing.

NOTE A: These requests are continuous and should be supplemented if additional information is received at a later date.

NOTE B: If documents requested are not in the Defendant's possession, please state as follows:

- (1) name of person who has possession or knowledge of whereabouts;

- (2) business address of such;
- (3) business telephone number of such.

NOTE C: If you claim that a privilege applies to any document sought by this request, then state the factual and legal basis for the claimed privilege and identify the document (by date, author, recipient, general subject matter) so that it can be described in a motion to compel.

1. Any and all accident records, reports, memoranda and emails relating to the Plaintiff in Defendant's possession.
2. The entire crew list of the and the employee list of the *M/V HAMMONIA HUSUM*, the voyage and activity at issue herein, including addresses and telephone numbers.
3. Any and all log books (or other records) kept by the *M/V HAMMONIA HUSUM* for the aforesaid voyage, or by Defendants for the involved activity, including where applicable, but not limited to, the following:
 - (a) Deck logs;
 - (b) Engineer's logs;
 - (c) Medical logs;
 - (d) Radio logs;
 - (e) Inspection, repair and maintenance logs; and
 - (f) Electrical work logs.
4. Any and all statements, including of the Plaintiff, either oral or written, signed or unsigned, and/or any and all recordings, by whatever means, relating to the incident complained of herein.

5. All photographs, videotapes, records, and any other depiction or written descriptions taken by the Defendant or its representatives, involving, concerning, regarding or in any way connected with the matters at issue herein, including specifically any of Plaintiff.

6. Any and all reports, notes, memoranda, correspondence, emails and related data made or kept by the Defendant, its agents, and/or employees, for or on behalf of or in the interest of the Defendant, and kept in its regular course of business, currently in existence or in its custody, possession and control, pertaining to Plaintiff's injury and claim against Defendants herein.

7. All communications transmitted or received in connection with Plaintiff's injuries.

8. All U.S. Coast Guard, Occupational Safety and Health Administration, or other reports or accident reports filed in connection with Plaintiff's injury.

9. All medical and other types of bills paid by Defendant for medical treatment or services for Plaintiff or otherwise paid on Plaintiff's behalf.

10. All expert's reports, test results, data relied on, and other information upon which said expert has relied or utilized to formulate his opinion, irrespective of whether said expert will or will not be called to testify or whether his or her opinion is not yet finalized.

11. Copies of all policies of insurance (whether primary or excess) pertaining to the claims made in this lawsuit.

12. All safety and/or operating rules, pamphlets, books, newsletters, posted notices, and other such safety or operating rules or regulations in effect at the time of

the incident that forms the basis of this litigation.

13. All contracts existing between the Defendants and between any other company or entity concerning the activities, vessel, crew members, etc., pertaining to the work activities undertaken on the date of Plaintiff's injury.

14. Copies of any diagrams, sketches, drawings, blueprints, etc., of the area of the *M/V HAMMONIA HUSUM* where Plaintiff's injury occurred.

15. All maintenance and repair records, if any, relating to the equipment/appurtenances and/or area of the *M/V HAMMONIA HUSUM* where Plaintiff's injury occurred, whether made before or after Plaintiff left the vessel.

16. All written reports of routine or special inspections made of the equipment/appurtenances and/or area of the *M/V HAMMONIA HUSUM* where Plaintiff's injury occurred, whether made before or after Plaintiff left the vessel.

This 17 day of September, 2022.



Brent J. Savage
Georgia Bar No. 627450
Zachary R. Sprouse
Georgia Bar No. 276708

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