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[No Jury Trial For Seriously Injured Dancer Aboard HAL's Oosterdam](#)

Posted on January 1, 2013 by [Jim Walker](#)

[Courthouse News Service](#) reports on a case involving a crew member from Canada who was employed aboard a Holland America Line (HAL) cruise ship.

The Canadian crew member, employed on the *Oosterdam* cruise ship as a dancer, suffered a serious career-ending injury, but is being denied the right to take his case before a jury.

Courthouse News states that the case involves Anthony Yuzwa who was a talented dancer. He graduated from the Canadian College of Performing Arts, worked for the Burlington School of Dance, and appeared on Canadian television. While performing on the *Oosterdam* earlier this year, a stage lift collapsed and crushed Yuzwa's right foot, resulting in the amputation of two of his toes and parts of others.

He filed suit against HAL as well as a company which hired him to work aboard the cruise ship. Under the General Maritime Law of the U.S. and the Jones Act which was enacted in 1920, injured crew members - even if they are not U.S. citizens - are permitted to bring their legal disputes before U.S. juries and seek a wide range of remedies against their maritime employers and the owner and operator of the vessel. The cruise lines, however, have increasingly been inserting terms in the employment contracts requiring crew members to submit their claims to "arbitration."



Arbitration is a procedure which strips crew members of their right to trial by jury. Cruise lines prefer arbitration because they believe that compensation awarded to injured crew members will be substantially less and the chances of defeating the crew member will be substantially greater. Arbitration also limits the ability of crew members to engage in discovery of the cruise line's wrongdoing.

The defendants in Yuzwa's lawsuit responded by moving to dismiss his law suit, which you can read [here](#), and compel him to arbitrate his case in Canada without a jury. HAL subsequently stipulated that the arbitration could take place in Los Angeles with U.S. law applying but without a jury.

The U.S. federal judge agreed with HAL's argument and compelled Yuzwa to attend arbitration rather than a jury trial. You can read the judge's decision [here](#).

Injured crew members should anticipate that most cruise lines will respond to lawsuits by arguing that the cases should be decided through arbitration.

Although the arbitration awards may generally be considered to be lower than what could be obtained during jury trials, it may be possible to obtain significant compensation for significant injuries. Our firm obtained the highest award in an arbitration case on behalf of an injured crew member. Read: [Walker & O'Neill Featured in Top Verdicts and Settlements" for \\$1,250,000 Verdict for Injured Crewmember Against Royal Caribbean](#)

You can read about the issue of arbitration of crew member cases in these articles:

[Arbitration of Cruise Line Crewmember Cases](#)

[Lindo v. NCL: Crewmembers Lose Rights As Harsh Cruise Arbitration Decisions Continue](#)

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