



LAWRENCE R. DEMARCAY III

Biography

Larry DeMarcay is a Member of Miller, Sullivan & DeMarcay. His practice is predominantly litigation based, including commercial, maritime, and personal injury matters. He is admitted to practice law in Louisiana, Texas and Florida.

Larry received his B.A. from the University of Florida, M.B.A. from The George Washington University and his law degree from Loyola University. He is also a graduate of the Loyola Institute of Politics. Prior to attending law school, Larry served on the Washington-based legislative staff to Congressman Jimmy Hayes.

Larry is a sought-after writer and speaker on legal topics, having written over forty articles that have been published in various industry magazines. He has also given numerous presentations to audiences ranging from industry groups, such as Offshore Marine Services Association (OMSA), to his lawyer peers at Tulane Law School's admiralty law seminar.

Outside of the office, Larry enjoys spending time with his wife, Lorie, and their two daughters. He is an avid triathlete who has completed numerous half-ironman races and is a full ironman Florida finisher. Larry is also passionate about our community, where he serves on multiple boards, including a leadership role with the Krewe of Hermes, founder of the Hermes Beyond the Parade Foundation, President of the Board of Trustees for The Academy of Sacred Heart, Member of the Mayor's Mardi Gras Advisory Council, Member of the New Orleans Police and Justice Foundation and a Former Board Member of the Jefferson Parish Chamber of Commerce.

In the Community

Louisiana State Bar Association

Leadership Role with the Krewe of Hermes

Founder of the Hermes Beyond the Parade Foundation

President of the Board of Trustees for The Academy of Sacred Heart

Member of the Mayor's Mardi Gras Advisory Council

Board Member of the New Orleans Police and Justice Foundation

Former Board Member of the Jefferson Parish Chamber of Commerce

Notable Cases

EnSCO Offshore Company v. The United States Department of Interior

Counsel for EnSCO & ATP Oil & Gas in an Administrative Procedure Act challenge to the U.S. Department of the Interior's deepwater drilling moratorium and subsequent delays in issuing offshore drilling permits. The moratorium was withdrawn by the government, summary judgment was granted in plaintiffs' favor on the delay claims and the government was preliminarily and permanently enjoined to act on the subject drilling permits within 30 days.

In re ENSCO 74

Counsel for EnSCO in a limitation of liability proceeding resulting from the loss of the ENSCO 74 during Hurricane Ike. After performing an exhaustive aerial and subsea search for the drilling rig, EnSCO abandoned the search and declared the rig a total loss. The wreck of the rig was located several months later when the M/T SATILLA, a fully loaded oil tanker, allided with the unmarked remains of the rig. The limitation claimants consisted of five pipeline owners and the M/T SATILLA. After a two week long trial against the M/T SATILLA interests, EnSCO's Motion for Judgment on Partial Findings was granted at the close of the SATILLA's case finding that EnSCO's search for the rig was reasonable. The trial court's ruling was affirmed by the Fifth Circuit Court of Appeal.

C-Innovation, LLC v. Norddeutsche Seekabelwerke GmbH (NSW)

Counsel for C-Innovation, an Edison Chouest Offshore subsidiary, in a products liability lawsuit against NSW (a German manufacturer of cables) for fraud, redhibition and products liability for the sale and manufacture of defective umbilical cables. Although previous counsel reported that C-Innovation did not have a claim, we aggressively pursued the claim on C-Innovation's behalf. After weathering numerous motions to dismiss, motions for summary judgment and motions to strike filed by NSW, the claim was resolved on the eve of trial in C-Innovation's favor with C-Innovation receiving a very significant award to compensate it for the purchase and use of the cables.

Carnival Corporation v. Entergy

Counsel for Carnival in a lawsuit against Entergy seeking the enforcement of a 1960's permit that provided that certain power lines that crossed the Mississippi River could be raised to accommodate vessel traffic upon 24 hours notice. Entergy's lines impeded the navigation of the M/V CARNIVAL CONQUEST, Carnival's largest ship at the time. As a result of the litigation, Entergy removed low hanging power lines and the Port of New Orleans is now accessible to cruise operators' largest vessels.

John W. Stone Oil Distributor v. Ernst & Young

Counsel for Stone Oil in an auditor negligence action against E&Y resulting from losses suffered from an embezzlement scheme conducted by a Stone employee. After a two-week arbitration, the arbitration panel awarded Stone the damages that it suffered after E&Y could have discovered the fraud.

Security Data Supply, LLC v. Nortek Security and Control, LLC

Counsel for SDS in an antitrust lawsuit against Nortek and Wave Electronics based upon the Robinson-Patman and the Clayton Acts seeking relief based upon the defendants' illegal pricing and price discrimination practices ~i.e., secondary-line price discrimination. The defendants engaged in a bribery and kickback scheme under which Wave induced Nortek and its employees to sell products to Wave at prices far below what Nortek would sell the identical products to SDS or Wave's other competitors. After

conducting discovery and weathering nine motions to dismiss, the claim was resolved amicably in SDS' favor with SDS receiving a significant settlement and the removal of the anti-competitive pricing scheme from the entire market.

Delton Coutee v. Global Marine Drilling Company

Counsel for Global Marine in a personal injury action where Mr. Coutee fell from a BOP stack and sustained significant injuries. After a weeklong trial, the Court issued a verdict in Global Marine's favor dismissing Mr. Coutee's claims. The Judgment was ultimately appealed to the Louisiana Supreme Court who upheld the District Judge's decision.

Publications and Presentations

- "The FBI Doesn't Record Statements, But You Should" *Marine News* – October 2018
- "Catching a Jones Act Seaman's "Golden Parachute"" *Marine News* – November 2017
- "For Payroll Purposes, is Your Seaman Really a Seaman?" *Marine News* – July 2017
- "Plan for Safety – Effective Leadership and a Safety Management System are the Keys to Success"" *Marine News* – February 2017
- "Clear Contractual Language – What Are You Agreeing To?" *Marine News* – November 2016
- "Limit Exposure with the Uniform Commercial Code" *Marine News* – February 2016
- "Safety and Law Collide on the Water" *Marine News* – July 2015
- "Avoiding Pitfalls on the Water" *Marine News* – February 2015
- "Business, Bankruptcy, Bad Debt and You" *Marine News* – September 2014
- "The Government has a Plan for Responding to Your Oil Spill. Do You?" – April 2014
- "The Pitfalls of Post Incident Paperwork" *Marine News* – February 2014
- "Managing Jones Act Personal Injury Litigation – The Vessel Owner's Perspective" The Offshore Marine Services Association – November 2013 – (Paper and Presentation)
- "Beyond Your Control: Minimizing Exposure" *Marine News* – September 2013
- "Managing Jones Act Personal Injury Litigation" *Marine News* – May 2013
- "Using Mediation to Eliminate Risk" *Marine News* – April 2013
- "Purchasing Equipment or Services – The Devil is in the Details" *Marine News* – February 2013
- "What Will You Do When a Spill Occurs?" *Marine News* – November 2012
- "Marine Insurance Pitfalls: Making sure that you are adequately covered" *Marine News* – July 2012
- "Punitive Damages in Maritime Cases" *Marine News* – February 2012
- "The Effect of Medicare Set-Asides on Settling Jones Act Personal Injury Cases" Tulane Law School – December 2011- (Paper and Presentation)

- “A Different Kind of Liability” *Marine News* – December 2011
- “Alternative Dispute Resolution Provisions” *Marine News* – October 2011
- “Implementing a Salvage Plan” *Marine News* – August 2011
- “The ABCs of MSAs” *Marine News* – June 2011
- “The Zone of Uncertainty: Seaman or Longshoreman?” *Marine News* – December 2010
- “The Drilling Moratorium” *Marine News* – October 2010
- “Record Retention” *Marine News* – July 2010
- “Leadership Saved the Crew of the DEEPWATER HORIZON” *Marine News* – June 2010
- “Should Vessel Owners Deny Maintenance and Cure?” *Marine News* – April 2010
- “Deja Vu – New Rules for Uninspected Towing Vessels?” *Marine News* – February 2010
- “Coast Guard Stability Regulation Reform” *Marine News* – December 2009
- “Texting Could Create Liability for Vessel Owners” *Marine News* – October 2009
- “Vessel Security: Can You Comply With the Regulations?” *Marine News* – September 2009
- “Minimizing Your Liability for Environmental Incidents” *Marine News* – July 2009
- “The Government Made Me Do It” *Marine News* – May 2009
- “Don’t Get Burned by a Poorly Implemented Training Program” *Marine News* – March 2009
- “Why it’s Crucial to have Proper Crew Onboard” *Marine News* – December 2008
- “Marine Insurance – What Do You Really Need?” *Marine News* – October 2008
- “Settling with an Unrepresented Seaman” *Marine News* – September 2008
- “Limitation of Liability – A Good Deal If You Can Get It” *Marine News* – July 2008
- “Getting the Right Crew May Save You a Bundle” *Marine News* – May 2008
- “Proper Planning Can Minimize Liability” *Marine News* – March 2008
- “Improve Your Fleet Using a Tax Free Exchange” *Marine News* – Feb. 2008

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Practice Areas

Business & Commercial Litigation

Maritime

Personal Injury Litigation

Bar Admissions

Louisiana, 1998

Texas, 2003

Florida, 2006

Education

Loyola University School of Law, J.D., 1997

The George Washington University, M.B.A., 1994

University of Florida, B.A., Political Science, 1991