

7.7 Unseaworthiness—Causation Defined

The definition of causation for the plaintiff's unseaworthiness claim is different from that for the Jones Act negligence claim.

Unseaworthiness is a cause of injury or damage if it was a substantial factor in bringing about injury or damage.

Comment

A different test for causation applies to an unseaworthiness claim as compared to a Jones Act negligence claim. *See Ribitzki v. Canmar Reading & Bates, Ltd. P'ship*, 111 F.3d 658, 665 (9th Cir. 1997) (causation is established for an unseaworthiness claim by showing the condition was a “substantial factor” in causing injury). When both Jones Act negligence and unseaworthiness claims exist, the court should instruct on the causal requirements for each. *See Lies v. Farrell Lines*, 641 F.2d 765, 769 n.7 (9th Cir. 1981).