

# The Burger Court Opinion Writing Database

*Rodriguez v. Compass Shipping Co.*  
451 U.S. 596 (1981)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

May 13, 1981

Re: No. 79-1977, Rodriguez v. Compass Shipping  
Co.

Dear John:

I join.

Regards,

Justice Stevens  
copies to the Conference

A handwritten signature in dark ink, appearing to be 'WRB', written in a cursive style.

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

May 8, 1981

RE: No. 79-1977 Rodriguez v. Compass Shipping Co.

Dear John:

Please join me.

Sincerely,

*Bill*

Justice Stevens

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE POTTER STEWART

May 5, 1981

Re: No. 79-1977, Rodriguez v.  
Compass Shipping Co.

Dear John,

I am glad to join your opinion for  
the Court.

Sincerely yours,

P.S.  
/

Justice Stevens

Copies to the Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE BYRON R. WHITE

May 5, 1981

Re: 79-1977 - Rodriguez, Perez and  
Barulec v. Compass Shipping Co.

Dear John,

Please join me.

Sincerely yours,

A handwritten signature in dark ink, appearing to be 'Stevens', written in a cursive style.

Justice Stevens

Copies to the Conference

cpm

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

May 13, 1981

Re: No. 79-1977 - Rodriguez v. Compass  
Shipping Co.

Dear John:

Please join me.

Sincerely,



T.M.

Justice Stevens

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

May 7, 1981

Re: No. 79-1977 - Rodriguez, et al.  
v. Compass Shipping Co., et al.

Dear John:

Please join me in your very able opinion.

Sincerely,



Mr. Justice Stevens

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

May 8, 1981

79-1977 Rodriguez v. Compass Shipping Co.

Dear John:

Please join me.

Sincerely,



Mr. Justice Stevens

lfp/ss

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

May 5, 1981

Re: No. 79-1977 Rodriguez v. Compass Shipping Co.

Dear John:

Please join me in your opinion for the Court.

Sincerely,



Mr. Justice Stevens

Copies to the Conference

To: The Chief Justice  
 Mr. Justice Brennan  
 Mr. Justice Stewart  
 Mr. Justice White  
 Mr. Justice Marshall  
 Mr. Justice Powell  
 Mr. Justice Rehnquist

From: Mr. Justice Stevens

Circulated: 6/17/81

Refiled: 6/17/81

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1977

Frederico Rodriguez, Luis Perez,  
 and Srecko Barulec,  
 Petitioners,  
 v.  
 Compass Shipping Co. Ltd.,  
 et al.

On Writ of Certiorari to  
 the United States Court  
 of Appeals for the Sec-  
 ond Circuit.

[May —, 1981]

JUSTICE STEVENS delivered the opinion of the Court.

The question presented in these three cases<sup>1</sup> is whether a longshoreman may prosecute a personal injury action against a negligent shipowner after his right to recover damages has been assigned to his employer by operation of § 33 (b) of the Longshoremen's and Harbor Workers' Compensation Act (the Act), 33 U. S. C. § 901 *et seq.*<sup>2</sup>

<sup>1</sup> Although a single petition for certiorari was filed on behalf of the three petitioners, their lawsuits proceeded independently of one another at earlier stages of the litigation. Three separate District Court opinions were issued. See *Rodriguez v. Compass Shipping Co.*, 456 F. Supp. 1014 (SDNY 1978); *Perez v. Arya National Shipping Line, Ltd.*, 468 F. Supp. 799 (SDNY 1979); *Barulec v. Ove Skou R. A.*, No. 78 Civ. 786 (MEL) (SDNY 1979), in Supp. App. to Pet. for Cert. 1g. The Court of Appeals affirmed the decision in *Rodriguez* in a published opinion, 617 F. 2d 955 (1980), and on the same day affirmed the *Perez* and *Barulec* decisions in unpublished orders citing its opinion in *Rodriguez*. Supp. App. to Pet. for Cert. 1c, 1d.

<sup>2</sup> Section 33 (b) of the Act provides:

"Acceptance of such compensation under an award in a compensation order filed by the deputy commissioner or [Benefits Review] Board shall operate as an assignment to the employer of all right of the person entitled to compensation to recover damages against such third person unless

To: The Chief Justice  
 Mr. Justice Brennan  
 Mr. Justice Stewart  
 Mr. Justice White  
 Mr. Justice Marshall  
 Mr. Justice Blackmun  
 Mr. Justice Powell  
 Mr. Justice Rehnquist

From: Mr. Justice Stevens

Circulated: \_\_\_\_\_

2nd DRAFT

Recirculated: MAY 11 '81

SUPREME COURT OF THE UNITED STATES

No. 79-1977

Frederico Rodriguez, Luis Perez,  
 and Srecko Barulec,  
 Petitioners,  
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 Compass Shipping Co. Ltd.,  
 et al.

On Writ of Certiorari to  
 the United States Court  
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[May —, 1981]

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