

705 3 2 1 If all of your clothes are shrinking, take heart. In the case of Coulter v. Ingram Pipeline, Inc., the court considered the plight of an obese seaman placed on a strict diet.

Charles Maloney and Donald Ruiz were lawyers who represented Coulter. Coulter was their biggest client. In fact, James Coulter weighed in at 375 pounds, while working full time as a "stabber" or pipe layer aboard lay barges operated by Ingram Pipeline.

On May 21, 1970 Coulter was injured when a 12 ton pipe on an Ingram lay barge swung toward him and struck him in the chest. He received a "crushing type of injury to his chest" including several fractured ribs, some of which did not heal by bony union.

Ingram Pipeline provided medical treatment as required of employers of seamen, but recovery was slow due to Coulter's extreme obesity. The company's doctor admitted Coulter to the New Orleans Medcenter, where Coulter was placed on a daily diet of 1,500 calories and an exercise program, the combined result of which was a weight loss of 33 pounds in 18 days. At that point Coulter requested a release to go home and he assured the company doctor he would maintain the diet and exercise program at home. The company doctor discharged Coulter and wrote an optimistic letter report to Ingram Pipeline detailing Coulter's progress and predicting Coulter's eventual return to work . . . slim, trim, and dynamic.

Upon examination some 6 months later . . . you guessed it . . . the doctor discovered that Coulter had not strictly maintained the diet and exercise program. Coulter looked like he had slipped back into the 15,000 calories per day range and was now more obese than ever. Coulter admitted he failed to follow the doctor's

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instructions and Ingram claimed that this amounted to a willful abandonment of his prescribed cure. The District Court agreed and Coulter appealed.

The Court of Appeals disagreed that this was willful abandonment. Citing common sense and personal experience, the Court of Appeals recognized the emotional and physical difficulty faced by an obese person in following a 1500 calorie daily diet and exercise program at home without continuing supervision, medical advice, and regular re-examinations. The Court of Appeals found extenuating circumstances in the doctor's failure to provide ongoing supervision and advice and sent Coulter back to the doctor and back to his diet.

More next week on The Admiralty Docket. Until then, remember your rights and responsibilities may change as you approach the shore and may God Almighty grant you pleasant sailing. 705