



## Gustavo A. Martinez Tristani

Partner

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Gustavo “Gus” Martínez Tristani has vast experience in the area of general maritime law. Gus handles Jones Act, unseaworthiness, and maintenance and cure claims; cruise passengers personal injury claims; first-party marine insurance claims; towage claims; salvage claims; vessels collisions and fires; intermodal transportation cargo claims; marina liability claims; and U.S. Coast Guard administrative proceedings (involving suspension and revocation proceedings), among others. He is Board Certified in Admiralty and Maritime law by the Florida Bar.

Gus also has experience handling state law personal injury claims, premises liability claims, medical mal-practice claims (including related Emergency Medical Treatment & Labor Act claims) and defense of vehicular/truck accident claims. Gus handles cases in state and federal courts in Florida and Puerto Rico.

Born in Puerto Rico, Gus served in the U.S. Army as an enlisted and commissioned officer, graduated from the U.S. Army Ordnance School and the U.S. Army Airborne School, 5th Special Forces Group. As an Army officer, Gus commanded and trained Ordnance and Infantry reserve units.

Gus has offered seminars on Personal injuries and Wrongful Death Actions in Admiralty and the Carmack Amendment. In addition, he has lectured on the Carriage of Goods by Sea Act, at the Pontifical Catholic University of Puerto Rico, School of Law.

### Education

- Tulane University School of Law (LL.M. Admiralty & Maritime Law, 1993)
- Pontifical Catholic University of Puerto Rico School of Law (J.D., *cum laude*, 1991)
  - Law Review

### Services

- Complex Tort & General Casualty
- Admiralty & Marine
- Product Liability, Prevention & Government Compliance
- Transportation
- National Trial Team

- University of Puerto Rico (B.A. Sociology, 1988)

### **Bar Admissions**

- Florida
- Puerto Rico

### **Court Admissions**

- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, District of Puerto Rico

### **Professional Affiliations**

- Florida Bar Association
- Puerto Rico Bar Association
- The Maritime Law Association of the United States
- The Southeastern Admiralty Law Institute
- The Propeller Club Port Miami

### **Languages**

- Spanish

## **Publications**

November 17, 2025

**Benedict's Maritime Bulletin Features Article by Martinez Tristani on State Law and Marine Insurance Policies**

June 24, 2025

**Benedict's Maritime Bulletin Features Martinez-Tristani on State Court Jurisdiction Under Shipowner's Limitation of Liability Act**

*Benedict's Maritime Bulletin*

Vol. 23, No. 1 | First Quarter 2025

**Benedict's Maritime Bulletin Features Article by Martinez Tristani on Retaliatory Discharge Claims**

November 5, 2024

## **Latin Lawyer Publishes Miami Latin America Team on Jurisdictional Disputes**

*Latin Lawyer*

# **Client Wins**

## **Pfeifer, Martinez Tristani, and Adams Win Dismissal of Maritime Personal Injury Action in Federal Court**

Miami partners Russell M. Pfeifer and Gustavo A. Martinez Tristani, and associate Jackson G. Adams, secured dismissal of a personal injury action on the eve of trial in the U.S. District Court for the Southern District of Florida through a successful Rule 12(b)(6) motion to dismiss on behalf of Wilson Elser's client, a shoreside services provider. The plaintiff alleged that she sustained injuries inside a cruise terminal during the disembarkation process and asserted maritime claims against the cruise ship owner, the terminal owner, and our client. She later settled her claims against the cruise ship and terminal owners. After extensive discovery and prolonged motion practice, Russell, Gus, and Jack persuaded the District Court that it lacked subject matter jurisdiction to adjudicate the remaining claims against our client. Specifically, the team argued that admiralty jurisdiction did not exist because the alleged incident, a slip and fall in a small puddle of water, occurred on land, involved a fixed terminal structure, and did not involve a vessel operator. In addition, the activity giving rise to the incident – the alleged failure to maintain the terminal and/or place warning signs – bore no substantial connection to traditional maritime activity. The decision marks a significant defense victory and establishes an important and new precedent curbing the expansion of admiralty jurisdiction.

## **Tranen and Martinez Tristani Obtain Dismissal of Product Liability Suit in Puerto Rico**

Daniel E. Tranen (Partner-St. Louis, Mo) and Gustavo A. Martinez Tristani (Partner-Miami) obtained dismissal for a large warehouse club client in a product liability lawsuit brought in the U.S. District Court for the District of Puerto Rico. The plaintiffs, a husband and wife, claimed the husband contracted E. coli after eating carrots purchased at the client's store in Bayamón, Puerto Rico, resulting in personal injuries and loss of consortium. The plaintiffs alleged that the carrots constituted a defective product under Puerto Rico law and sued under theories of negligence, breach of warranty, and strict liability. Daniel and Gustavo filed a motion to dismiss, arguing the complaint failed to state a cause of action under any of the asserted theories because it failed to adequately allege a breach of duty and because the carrots were not a defective product as a matter of law. The plaintiffs countered that our client was liable for breaching an implied warranty that products sold for human consumption are fit for human consumption and free of defects. In a nine-page opinion, the trial court dismissed the action with prejudice, holding that the complaint failed to state a cause of action because it failed to allege that the carrots became contaminated with E. coli through a manufacturing process and because they were not a defective product as a matter of law.

## **Pfeifer, Adams & Martinez Tristani Obtain Dismissal of Maritime Case Involving Complex Admiralty Jurisdiction**

Miami partners Russell M. Pfeifer and Gustavo A. Martinez Tristani and associate Jackson G. Adams secured dismissal of a maritime personal injury lawsuit filed in the U.S. District Court for the Southern District of Florida. The plaintiff, a Canadian citizen, filed a lawsuit seeking damages against a major cruise liner and its independent contractor, our client, for injuries sustained during an offshore excursion at the Krka National Park in Croatia. Despite the federal court having admiralty jurisdiction to adjudicate the claim against the cruise liner, Russell, Gus, and Jack persuaded the District Court that it lacked both diversity jurisdiction and admiralty jurisdiction to entertain the claims against their client, securing the complete dismissal of the action on those grounds on the eve of trial. The victory and corresponding 15-page order constitute an impactful precedent as it distinguishes the factual pattern in this case from a long line of cases decided by federal courts in Florida that routinely exercised admiralty jurisdiction in cases of similar nature against cruise lines and their shore excursion operators.