

CLIENT ALERT:

**PUNITIVE DAMAGES NOT AVAILABLE TO INJURED SEAMAN
ASSERTING UNSEAWORTHINESS CLAIM**

June 24, 2019

Introduction

On June 24, 2019, the U.S. Supreme Court issued its opinion in *Dutra Group v. Batterton*, holding that an injured seaman may not recover punitive damages for injuries caused by the unseaworthy condition of a vessel. The Court's decision resolved a split between the U.S. Fifth and Ninth Circuits, where the Fifth Circuit had held that punitive damages were not available for unseaworthiness claims, and the Ninth Circuit had found that such damages were appropriate. The Court's ruling closed the loop on a question that had remained unanswered by its most recent decisions concerning the availability of punitive damages under *Miles* and *Atlantic Sounding*.

Background

In *Dutra Group*, the plaintiff deckhand claimed he was injured when his hand was caught between a bulkhead and a hatch that blew open as a result of unventilated air that pressurized an interior compartment. In his lawsuit, the deckhand sought punitive damages for an alleged unseaworthy condition of the vessel that caused his injury. Typically, unseaworthiness claims hold a vessel owner strictly liable for injuries to seamen caused by a defect in the vessel. The vessel owner moved to strike plaintiff's claim for punitive damages, but the district court denied the motion, and the U.S. Ninth Circuit Court of Appeals affirmed. On review, the U.S. Supreme Court reversed, holding that punitive damages are not available to seamen for unseaworthiness claims.

Court's Decision

The Court observed that "unseaworthiness" was a common-law cause of action that predated Congress's enactment of the Jones Act, where Congress created a negligence cause of action for seaman against their employers. Courts had consistently determined that damages for Jones Act negligence claims were limited to compensatory damages without any right to punitive damages, which the Court most recently affirmed in *Miles*. Because Jones Act negligence claims and unseaworthiness claims were parallel means of recovery for the same injury, the Court found that it was important for unseaworthiness claims to conform to Congress's intent under the Jones Act. If the Court were to permit punitive damages for unseaworthiness claims, it would essentially create a loophole that would allow for inconsistent and, at times, unjust recovery of punitive damages contrary to remedies available under the Jones Act. The Court was also mindful that allowing such damages would put American

shippers at a significant competitive disadvantage and would discourage foreign shippers from employing American seamen.

The Court's holding, however, did not displace its earlier ruling in *Atlantic Sounding* holding that employers may be liable for punitive damages for the "willful and wanton disregard" of maintenance and cure obligations. An employer's obligation to provide maintenance and cure to injured seamen originated from a different common-law history than unseaworthiness, and the Court found that the rationale supporting those damages remained intact. Nonetheless, the Court's rulings in *Dutra Group* and *Miles* make clear that punitive damages are not available to seamen for their negligence or unseaworthiness claims.

Disclaimer: This Client Alert provides only a general summary of the Supreme Court's decision in Dutra Group v. Batterton and is not intended to constitute comprehensive legal advice. Specific legal advice should be taken with respect to each individual inquiry. Client Alert authored by: Thomas Canevari, Daniel Fitzgerald, and Tanner Honea.

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