

Circular From SKULD**Date: 23 August 2019****US Supreme Court Ruling on Punitive Damages**

The US Supreme Court ruling on 24 June 2019 in *The Dutra Group v. Batterton* will have an important impact on the damages which may be recoverable in US personal injury claims. The issue presented in the case was whether a Jones Act seaman can recover punitive damages in a personal injury suit based on the unseaworthiness of a vessel on which he was working.

By way of background, the case stemmed from an incident in which respondent, Christopher Batterton, was working on a vessel owned by petitioner Dutra Group when a hatch blew open and injured his hand. Batterton sued Dutra, asserting a variety of claims, including unseaworthiness, and seeking general and punitive damages. Dutra moved to dismiss the claim for punitive damages, arguing that they were not available on claims for unseaworthiness. The California district court denied Dutra's motion and the Ninth Circuit affirmed.

The US Supreme Court, in reversing the Ninth Circuit's decision which permitted punitive damages on the basis of vessel unseaworthiness, resolved a split between the Fifth Circuit, which had previously held that such damages were barred in such cases and the Ninth Circuit which had ruled in this case that such damages were recoverable. The Court found there was no historical basis for allowing punitive damages in unseaworthiness actions and that it was important to promote a uniform rule applicable to all actions for the same injury. The Court noted that federal appellate courts have uniformly held that punitive damages are not available under the Jones Act and that allowing recovery of punitive damages for unseaworthiness when such damages were not available under the Jones Act would violate the Court's command in the 1990 unanimous ruling in *Miles v. Apex Marine Corp.* that "federal courts should seek to promote a 'uniform rule applicable to all actions' for the same injury, whether under the Jones Act or the general maritime law."

The Court's ruling is significant because it now clarifies that punitive damages are not available for Jones Act or unseaworthiness causes of action but remain available only under appropriate circumstances for failure to pay a crewmember's maintenance and cure.

If members or brokers have any questions about the impact of this decision, please do not hesitate to contact Skuld North America.

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