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# Punitive Damages on Actions for Unseaworthiness

AIMU Marine Insurance Day October 4, 2019 Baruch College

John Woods, Clyde & Co US LLP

#### The Dutra Group v. Christopher Batterton

557 U.S. 404, 129 S. Ct. 2561, 174 L. Ed. 2d 382, 2009 A.M.C. 1521 (2009).

Argued March 25, 2019 Decided June 24, 2019

#### Supreme Court of the United States of America



#### Availability of Punitive Damages for Maritime Personal Injury Claims

#### The Jones Act (Merchant Marine Act of 1920)

• 46 U.S.C. § 30104. Personal injury to or death of seamen

#### **Unseaworthiness**

Negligence

**Maintenance & Cure** 









# **Prior Supreme Court Opinions**

#### Miles v. Apex Marine Corp.

498 U.S. 19, 111 S. Ct. 317, 112 L. Ed. 2d 275, 1991 A.M.C. 1 (1990).

## **Prior Supreme Court Opinions**

### Atlantic Sounding Co. v. Townsend

557 U.S. 404, 129 S. Ct. 2561, 174 L. Ed. 2d 382, 2009 A.M.C. 1521 (2009).

### **Broader Implications of Batterton**

**Insuring punitive damages** 

Failure to settle within limits

**Fines and Penalties** 



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# Questions?

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