



# Punitive Damages on Actions for Unseaworthiness

AIMU Marine Insurance Day

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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**

# Questions?

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**440**

Partners

**2500**

Legal  
professionals

**4000**

Total staff

**50+**

Offices\* worldwide

\* Includes associated offices