
***Dutra Group v. Batterton*, No. 18-266**

Today, the Supreme Court held, by a 6-3 vote, that injured seamen may not recover punitive damages in connection with a claim that the vessel on which they were injured was unseaworthy.

Background: Seamen who have been injured while working on a vessel may pursue two overlapping, but not entirely duplicative, claims—a negligence claim under the Jones Act, and a strict-liability claim under the doctrine of unseaworthiness. Punitive damages have never been permitted under the Jones Act. Whether punitive damages are available in connection with an unseaworthiness claim had not been definitively resolved until today, though there were few (if any) cases in which such damages had been permitted as of the enactment of the Jones Act in 1920. More recently, however, two federal courts of appeals and one state supreme court have authorized recovery of punitive damages for unseaworthiness, while one federal court of appeals has held that they are categorically unavailable.

In this case, the plaintiff, Christopher Batterton, injured his hand when a hatch cover on the vessel on which he was working blew open. He sued his employer, Dutra Group, alleging, among other things, negligence under the Jones Act and unseaworthiness of the vessel, seeking punitive damages in connection with the latter claim. Dutra moved to strike the request for punitive damages. The district court denied Dutra’s motion, but certified its order for interlocutory appeal. The Ninth Circuit affirmed the district court’s order, holding that punitive damages are available in connection with unseaworthiness claims, notwithstanding their unavailability under the Jones Act.

Issue: Whether punitive damages are available in connection with an unseaworthiness claim under general maritime law.

Court’s Holding: In an opinion by Justice Alito, joined by Chief Justice Roberts and Justices Thomas, Kagan, Gorsuch, and Kavanaugh, the Supreme Court held that punitive damages are not available for unseaworthiness claims. The Court reasoned that “there is no historical basis for allowing punitive damages in unseaworthiness actions”; doing so would create an undesirable incongruity with the Jones Act, under which punitive damages are unavailable; allowing punitive damages for unseaworthiness claims would create other “bizarre disparities” in the law; and affording this remedy to injured seamen would place American vessel owners “at a significant competitive disadvantage” vis-a-vis vessel owners from countries that do not allow punitive damages.

Justice Ginsburg, joined by Justices Breyer and Sotomayor, dissented. They contended, among other things, that, because there is no evidence that punitive damages were unavailable for unseaworthiness claims, “the generally applicable common-law rule allowing punitive damages should not be displaced.”

Mayer Brown filed an amicus brief in support of Dutra on behalf of six fishing-industry trade associations.