

June 25, 2019 Publication

---

## Topics

Transportation  
Maritime

---

## Related People

Brian T. Kiolbasa  
kiolbasab@lanepowell.com

---

## Related Practices & Industries

Transportation

# Maritime Law: Punitive Damages Are Not Available for an Unseaworthiness Claim

## Transportation Legal Update

This week, the United States Supreme Court released its landmark opinion in *Dutra Group v. Batterton*, Dkt. No. 18-266 (June 24, 2019), resolving the question of whether punitive damages may be awarded to a Jones Act seaman in a personal injury lawsuit alleging unseaworthiness. In a 6-3 decision answering the question in the negative, the Supreme Court clarified federal common law and curtailed the trend of some federal courts that had been advancing the expansion of traditional maritime remedies.

Christopher Batterton was a crewmember on vessels owned and operated by defendant Dutra Group. Batterton alleged that a pressurized hatch cover blew open while he was working on the vessel, injuring him and causing permanent disabilities. Batterton then filed suit, claiming that the vessel lacked an appropriate exhaust mechanism that would have prevented the blast, rendering the vessel unseaworthy under the general maritime law. The district court denied Dutra's motion to dismiss Batterton's claim for punitive damages for unseaworthiness of the vessel. The defendant then sought and was granted permission for interlocutory appeal to the Ninth Circuit.

The *Batterton* case came to the Supreme Court following a ruling by the Ninth Circuit that allowed an unseaworthiness claim asserting punitive damages to move forward, creating a circuit split with the Fifth Circuit,

among others. For more information, see our previous coverage of this case [here](#) and [here](#).

The majority opinion, authored by Justice Alito, focused primarily on the lack of historical basis for allowing punitive damages in unseaworthiness actions. The Supreme Court identified the origin and purpose of the unseaworthiness doctrine, which was primarily to give sailors protections for their refusal to board unsafe vessels or to obey a shipmaster's orders. The Court then traced the broadening of unseaworthiness claims in personal injury lawsuits, beginning in the late 19th and early 20th centuries, based largely on the Court's own rulings. By the 1950s, unseaworthiness claims had become an injured seaman's primary means of recovery.

After highlighting the lack of historical foundation supporting punitive damage remedies in unseaworthiness claims, the Court discussed the unavailability of punitive damages awards under the Jones Act — for which unseaworthiness serves as a “duplicate and substitute.” The Court held that the Ninth Circuit's decision allowing punitive damages for unseaworthiness claims was in direct conflict with *Miles v. Apex Marine Corp.*, 498 U.S. 19 (1990), limiting recovery of damages for a seaman's wrongful death under the Jones Act, 46 U.S.C. § 30104 to damages for pecuniary losses. Ultimately, the Court deferred to precedent directing the courts to promote uniformity in the federal maritime law, and the lack of Congressional action to provide a right to punitive damages despite recent increases in legislation in the area. But the majority opinion was not merely an academic exercise.

Justice Alito's opinion also touched on policy grounds and the practical effects further expansion of the law would cause. The Court recognized that owners face significant economic incentives to ensure that their vessels are seaworthy in order to prevent loss of the ship and its cargo, loss of its insurer, the work of its crew, and in extreme cases, criminal liability. The Court also noted that allowing punitive damages would put American shippers at a competitive disadvantage and disincentivize the employ of American seamen, because most foreign shippers face only liability for compensatory damages. Finally, the Court recognized that the hardships faced by modern sailors differ from those of their predecessors, upon whose struggles the federal maritime law was developed.

By reversing the Ninth Circuit's ruling and holding that a plaintiff may not recover punitive damages on a claim of unseaworthiness, the Supreme Court resolved a circuit split from the lower courts and avoided a monumental shift in maritime law that had the capacity to have nationwide and global effects. The Court also made clear that for the foreseeable future, any change in a seaman's rights will come from Congress, not the courts.