



Maritime Case Wrap Up

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Personal Injury Damages

Damages Available to a Jones Act Seafarer

- Lost income, past and future
- Pain & Suffering
- Maintenance & Cure

But what about...

- **Nonpecuniary Damages**



pecuniary

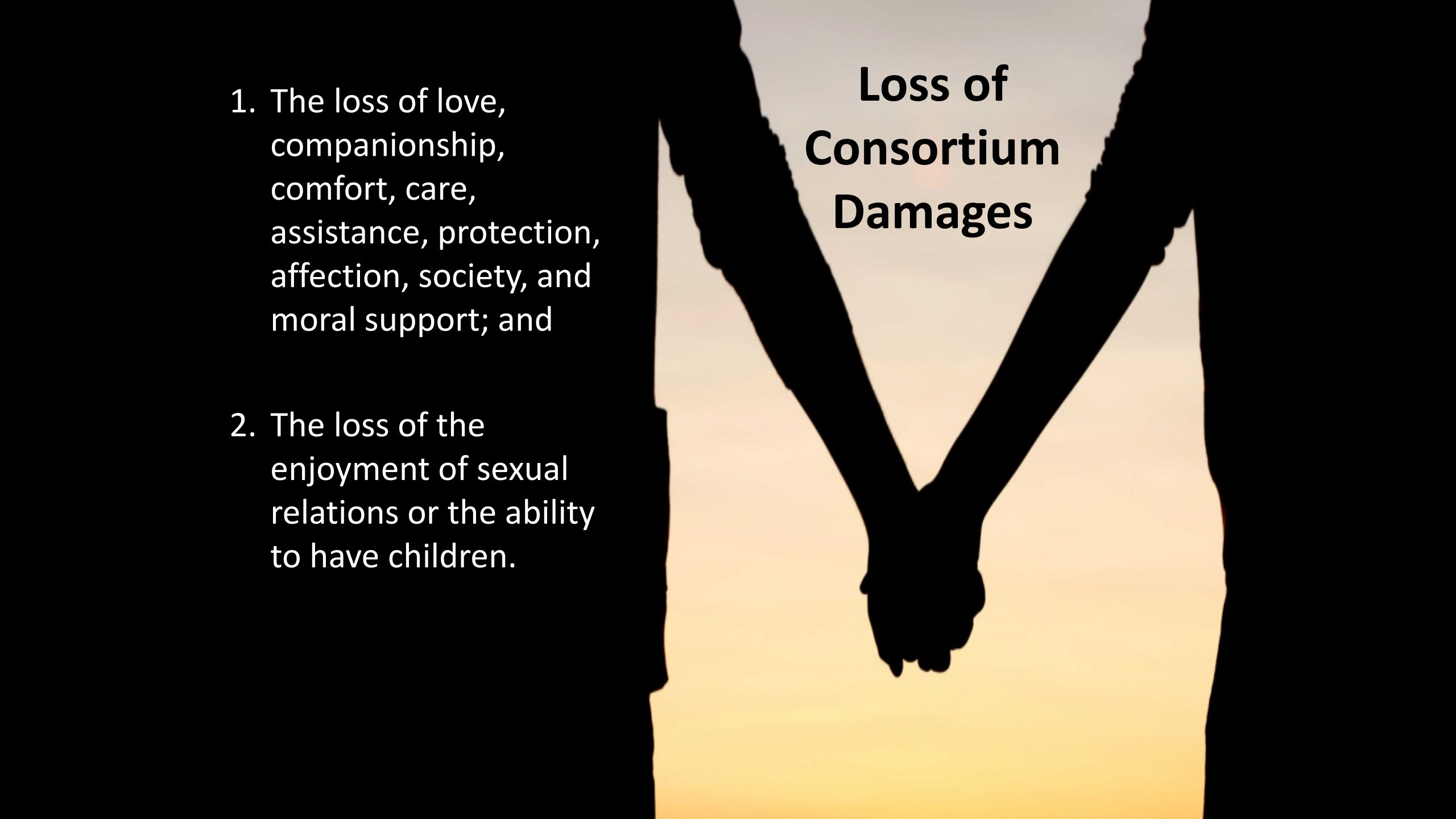
adjective | pih-KYOO-nee-air-ee

relating to or in the form of money

A wooden gavel with a dark, polished finish is positioned diagonally across the frame. The head of the gavel is on the left, and the handle extends towards the bottom right. The gavel is resting on a surface covered with numerous US dollar bills, which are slightly out of focus, creating a sense of depth. The lighting is dramatic, highlighting the texture of the wood and the details of the currency.

Punitive Damages

The purposes of punitive damages are to punish a wrongdoer for the conduct that harmed the plaintiff and to discourage similar conduct in the future. Damages may be awarded if the plaintiff proves by clear and convincing evidence that the defendant engaged in that conduct with malice, oppression, or fraud.

The background of the slide features a silhouette of two people holding hands, set against a warm, golden sunset sky. The figures are dark against the bright, glowing light of the sun, which is positioned behind them, creating a strong backlight effect. The overall mood is one of connection and support.

Loss of Consortium Damages

1. The loss of love, companionship, comfort, care, assistance, protection, affection, society, and moral support; and
2. The loss of the enjoyment of sexual relations or the ability to have children.

“No.” Seafarers cannot recover nonpecuniary damages.



The Dutra Group v. Batterton
139 S. Ct. 2275, 204 L. Ed. 2d 692 (2019)

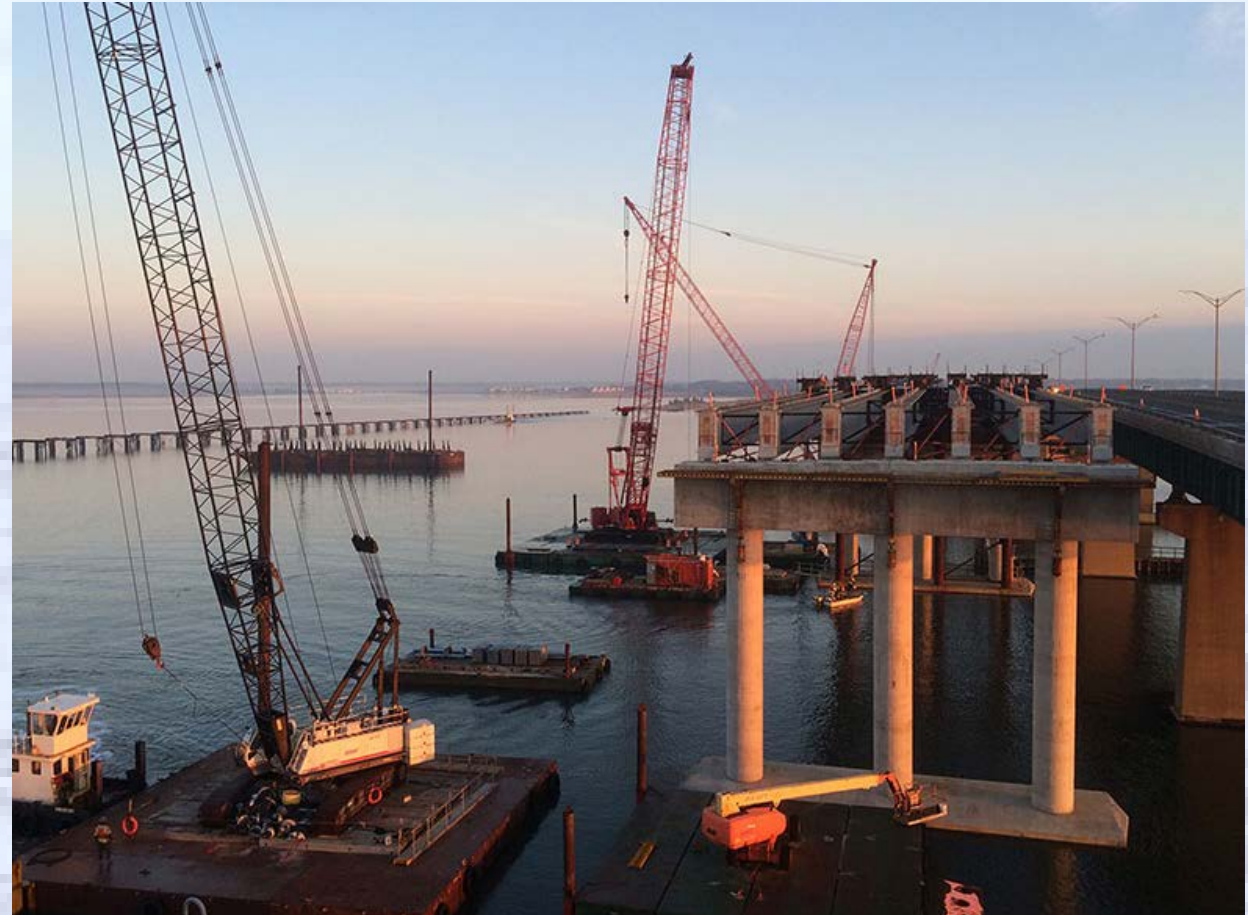
No punitive damages.

No loss of consortium.



Status Who is a Seafarer?







Everyone wants to be seafarer!

- *McDermott Int'l v. Wilander*
- 498 U.S. 337 (1991)

- *Chandris v. Latsis*
- 515 U.S. 347 (1995)

- *Harbor Tug and Barge Co. v. Papai*
- 520 U.S. 548 (1997)

- **Connection to a vessel**
- **Substantial in terms of both duration and nature**



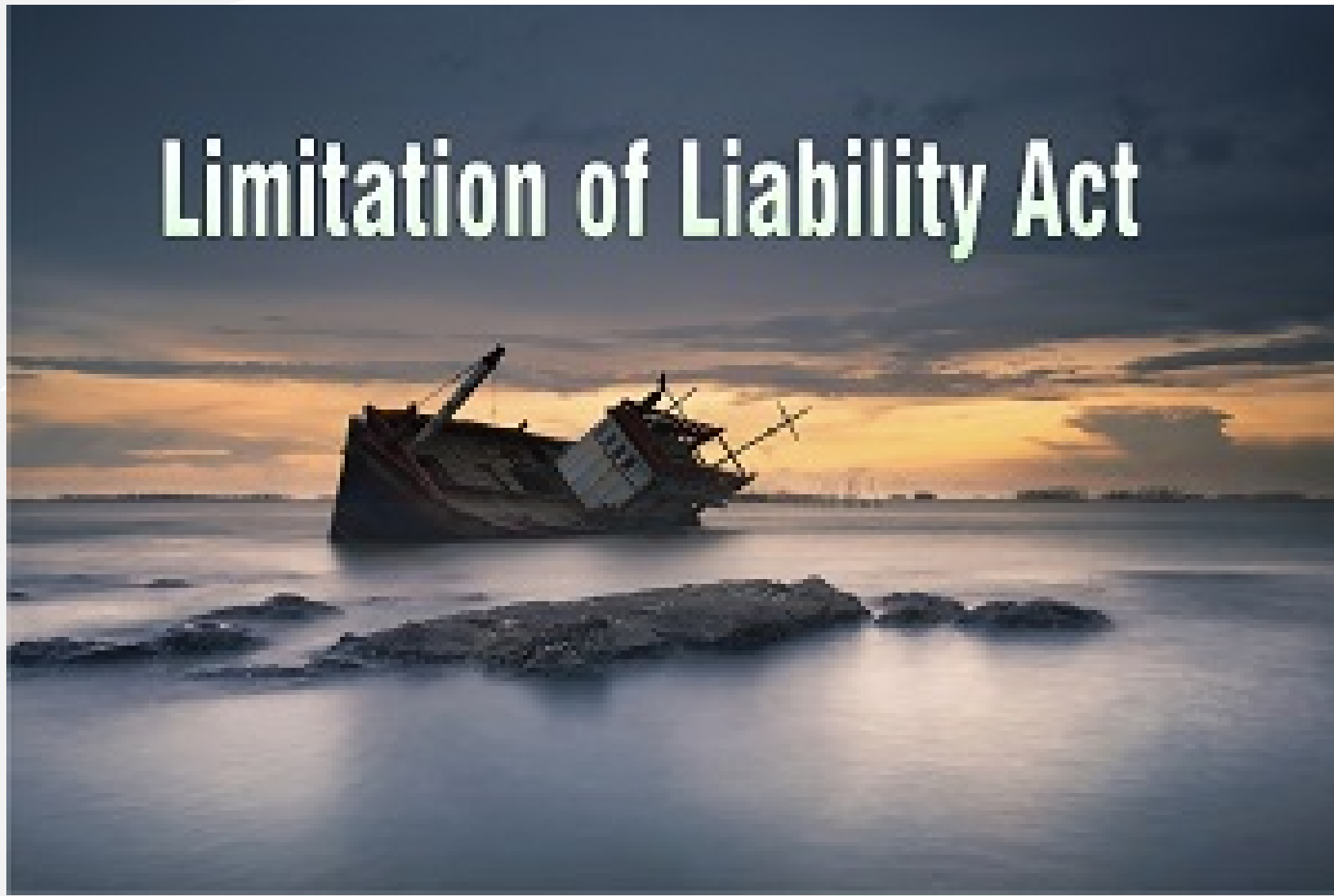




*Sanchez v. Smart
Fabricators of Texas*
997 F.3d 564 (2021)

LOLA

Limitation of Liability Act



In re Branson Duck Vehicles, LLC, 2019 AMC 2817, 2818.

