

08-214 ATLANTIC SOUNDING CO. V. TOWNSEND

DECISION BELOW: 496 F.3d 1282

LOWER COURT CASE NUMBER: 06-13204

QUESTION PRESENTED:

May a seaman recover punitive damages for the willful failure to pay maintenance and cure? The Eleventh Circuit's decision below holds in the affirmative, but conflicts with the Second, Third, Fifth and Ninth Circuits as well as two state courts of last resort, the reasoning of *Miles v. Apex Marine Corp.*, 498 U.S. 19 (1990), and *Vaughan v. Atkinson*, 369 U.S. 527 (1962).

CERT. GRANTED 11/3/2008