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March 20, 2019

By electronic filing and hand delivery

Scott S. Harris
Clerk, Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Re: *Dutra Group v. Batterton*, No. 18-266 (to be argued Mar. 25, 2019)

Dear Mr. Harris:

I represent petitioner Dutra Group in the above-captioned case, in which oral argument is scheduled for next Monday. Pursuant to Rule 32.3, I seek permission to lodge certain materials so that they may be readily reviewed by the Justices.

An issue in the case is whether, at the time the Jones Act was enacted, punitive damages had ever been sought or awarded under the general maritime action of unseaworthiness. *See* Pet. Br. 30-32; Resp. Br. 25-32; Reply Br. 16-19. In particular, the parties dispute whether a particular case, *The Rolph*, 293 F. 269 (N.D. Ca. 1923), *aff'd*, 299 F. 52 (9th Cir. 1924), awarded punitive damages. *See* Pet. Br. 31; Resp. Br. 25-27; Reply Br. 16-17.

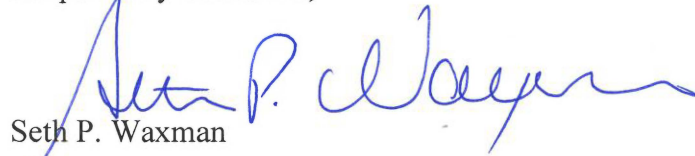
We have located and copied the available pleadings and briefs in *The Rolph* in a facility of the National Archives and would like to lodge certain filings in that case that demonstrate that the only damages awarded, or sought, were compensatory. In particular, we seek leave to lodge the following pleadings:

1. Amended Libel in Intervention of J. Kaptein and A. Seppinnen (filed Oct. 28, 1921)
2. Libel in Intervention of Arne Mikel Araesen (filed Oct. 28, 1921)
3. Libelant and Intervenor Points and Authorities (relevant pages) (filed May 28, 1923)
4. Brief for Appellant (filed Mar. 5, 1924)
5. Brief for Appellees (filed Mar. 14, 1924)
6. Appellant's Petition for Rehearing (filed June 18, 1924)

Scott S. Harris
March 20, 2019
Page 2

By hand-delivered copy of this letter, I am providing counsel for respondent a copy of these materials.

Respectfully submitted,



Seth P. Waxman

Cc: counsel of record