

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: JILLIAN MORRISON, LLC,
et al

CIVIL ACTION

NO:08-1255

SECTION: "J" (5)

ORDER

Before the Court is Defendants' **Motion for a Protective Order** (Rec. D. 458).

Defendants seek a protective order on several grounds. Firstly, Defendants allege that Plaintiffs' requests are unduly burdensome and harassing. Further, Defendants allege that Plaintiffs do not have a right to request discovery relevant only to claims of punitive damages under the Jones Act. Defendants argue that punitive damages are not available to Plaintiffs.


However, the law on this issue remains unsettled. Recently, Judge Berrigan ruled that "[i]n light of the movement of the law in this area" the Court would add the damages¹ as "a separate part of the damages sought in this case...[to]...avoid retrial in the event the law changes." In re Md. Marine, Inc., 2009 U.S. Dist. LEXIS 58957 *17 (E.D. La. July 9, 2009).

¹In In re Md. Marine Ltd. the Court was addressing the availability of loss of society damages. Loss of society and punitive damages are similarly situated with respect to uncertainty in the law.

The Court finds this reasoning compelling. The Court further finds that Plaintiffs' requests are reasonable considering the size and scope of this litigation. Accordingly,

It IS ORDERED that Defendants' Motion for a Protective Order (Rec. D. 458) is **DENIED**.

New Orleans, Louisiana, this the 22nd day of September 2009.



CARL J. BARBIER
UNITED STATES DISTRICT JUDGE