

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

KYLE ELLISON

CIVIL ACTION

VERSUS

CASE NO. 23-1849

**MARQUETTE TRANSPORTATION COMPANY
GULF-INLAND, LLC**

SECTION: “G”(3)

ORDER

Before the Court is Defendant Marquette Transportation Company Gulf-Inland, LLC’s (“Defendant”) Motion for Partial Summary Judgment on Certain Non-Pecuniary Damages.¹ According to Defendant, Plaintiff Kyle Ellison (“Plaintiff”) has asserted that he is entitled to recover damages loss of enjoyment of life.² Defendant asserts that under the Jones Act and General Maritime Law certain non-pecuniary damages—such as loss of enjoyment of life, mental anguish, emotional distress, and scarring/disfigurement—cannot be recovered by seamen.³ Plaintiff responds to the motion and concedes that he cannot recover non-pecuniary damages.⁴ “[T]he Jones Act limits a seaman’s recovery to pecuniary losses where liability is predicated on the Jones Act or unseaworthiness.”⁵ Accordingly,

¹ Rec. Doc. 20.

² Rec. Doc. 20-1 at 3.

³ *Id.* at 7.

⁴ Rec. Doc. 27 at 3.

⁵ *McBride v. Estis Well Serv., L.L.C.*, 768 F.3d 382, 384 (5th Cir. 2014).

IT IS HEREBY ORDERED that Defendant's Motion for Partial Summary Judgment on Certain Non-Pecuniary Damages is **GRANTED**. Plaintiff's request for non-pecuniary damages is dismissed with prejudice.

NEW ORLEANS, LOUISIANA, this 22nd day of August, 2024.

Nannette Jolivette Brown

**NANNETTE JOLIVETTE BROWN
CHIEF JUDGE
UNITED STATES DISTRICT COURT**