

McPeak v. McPeak, 1998

Facts: Michael McPeak was diagnosed with glioblastoma multiforme in April 1991. He underwent surgeries in May 1991 and March 1992. On April 3, 1992, he changed the beneficiary of his insurance policy to his second wife, the defendant. McPeak passed away on April 26, 1992.

Legal Question: Is the imposition of punitive damages on the Defendant is justified if the conduct of defendant was found to be malicious and wanton?

Court's Conclusion:

The court's decision in *McPeak v. McPeak* is an important reminder that punitive damages can be awarded in cases where the defendant's conduct is particularly malicious or wanton. Punitive damages can serve as a powerful deterrent against future misconduct.

Atlantic Sounding Co. Inc. V, 2009

Facts: In July 2005, Edgar Townsend was injured aboard the tug boat Thomas, subsequently counterclaiming alleging failure to pay maintenance and cure while seeking punitive damages, with the district court denying the motion to dismiss punitive damages and allowing for an interlocutory appeal.

Legal Question: Can a seaman seek punitive damages for employer's willful refusal to pay maintenance and cure?

Court's Conclusion:

Punitive damages available for willful disregard of maintenance and cure obligation.
Punitive damages consistent with general maritime law, unaffected by *Miles v. Apex Marine Corp.* or the Jones Act.