

The Burger Court Opinion Writing Database

Vella v. Ford Motor Co.

421 U.S. 1 (1975)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



✓ AM
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

March 3, 1975

Re: 73-1994 - Vella v. Ford Motor Co.

MEMORANDUM TO THE CONFERENCE:

Thurgood reminded me that he had not heard arguments
in this case and it is reassigned to Bill Brennan.

Regards,

WSB

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

April 11, 1975

Re: 73-1994 - Vella v. Ford Motor Company

Dear Bill:

Please join me.

Regards,



Mr. Justice Brennan

Copies to the Conference

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

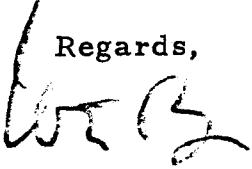
April 14, 1975

Re: 73-1994 - Vella v. Ford Motor Co.

Dear Bill:

For a number of reasons which we can discuss at a later time, I have concluded to withdraw my joining in the above case. The situation may or may not involve my writing, but in any event, the case should be stricken from the announcement list this week.

Regards,



Mr. Justice Brennan

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

October 15, 1974

Dear Byron:

Please join me in 73-1994,

VELLA v. FORD MOTOR COMPANY.

WOP/ Sandra

William O. Douglas

Mr. Justice White

cc: The Conference

W.M. Day Jr. OCT 15

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

March 21, 1975

Dear Bill:

Please join me in 73-1994,
Vella v. Ford Motor Co.

W. O. Douglas
William O. Douglas

Mr. Justice Brennan
cc: The Conference

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Stewart
Mr. Justice White
✓ Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

From: Brennan, J.

Circulated: 3-19-71

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 73-1994

Julian Vella, Petitioner, | On Writ of Certiorari to the
v. | United States Court of Ap-
Ford Motor Company. | peals for the Sixth Circuit.

[March —, 1975]

MR. JUSTICE BRENNAN delivered the opinion of the Court.

We granted certiorari in this case limited to the question whether a shipowner's duty to furnish an injured seaman maintenance and cure continues from the date the seaman leaves the ship to the date when a medical diagnosis is made that the seaman's injury was permanent immediately after his accident and therefore incurable.¹ 419 U. S. 894 (1974).

Petitioner was a seaman aboard respondent's Great Lakes vessel, S. S. *Robert S. McNamara*. He was discharged and left the ship on June 29, 1968. Thereafter he filed this suit in the District Court for the Eastern District of Michigan, Southern Division, based on a claim that on April 4, 1968, while replacing a lower engine room deck plate, he slipped and fell on the oily floor plate causing his head to suffer a severe blow when it struck an electrical box. The complaint included a count, among

¹ This question is subsumed in Question I presented in the petition for writ of certiorari:

"Is a disabled seaman who contracted by trauma a permanent disease while in the service of a vessel entitled to maintenance and cure payments during the interim between the period the incident occurred and the time the disease was medically diagnosed and proclaimed incurable?"

To: The Chief Justice
Hon. Associate Justices
Hon. Justice Stewart
Hon. Justice Black
Hon. Justice Marshall
Hon. Justice Brennan
Hon. Justice Powell
Hon. Justice Rehnquist

Re: Julian Vella, Petitioner

Case No. 73-1994

Postmarked: 3/21/75

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 73-1994

Julian Vella, Petitioner, | On Writ of Certiorari to the
v. | United States Court of Ap-
Ford Motor Company. | peals for the Sixth Circuit.

[March —, 1975]

MR. JUSTICE BRENNAN delivered the opinion of the Court.

We granted certiorari in this case limited to the question whether a shipowner's duty to furnish an injured seaman maintenance and cure continues from the date the seaman leaves the ship to the date when a medical diagnosis is made that the seaman's injury was permanent immediately after his accident and therefore incurable.¹ 419 U. S. 894 (1974).

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"Is a disabled seaman who contracted by trauma a permanent disease while in the service of a vessel entitled to maintenance and cure payments during the interim between the period the incident occurred and the time the disease was medically diagnosed and proclaimed incurable?"

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE W. J. BRENNAN, JR.

April 22, 1975

SC

MEMORANDUM TO THE CONFERENCE

RE: Case Held for No. 73-1994 - Vella v. Ford Motor

No. 74-519 Frankel v. American Export Isbrandtsen
Lines, Inc.

Petitioner, a merchant seaman, suffered an amputation of parts of two fingers in an accident at sea on October 6, 1969. He received maintenance and cure from respondent shipowner until July 7, 1971 when the Public Health Service determined that he had achieved maximum medical cure. Several months later, petitioner won a jury award in state court for maintenance and cure for the period after July 7. The Appellate Term of the New York Supreme Court, First Department, reversed. It found "no evidence that further medical care would be of benefit . . ." As to petitioner's contention that his need for vocational rehabilitation justified an award of maintenance and cure, the court held that "[t]here is no proof that plaintiff is in a medical rehabilitation program . . . or that he is undergoing curative treatment while receiving vocational training . . ." The decision of the Appellate Term was affirmed by the Appellate Division, First Department, and by the New York Court of Appeals.

This case does not present the question resolved by Vella since petitioner was not denied benefits on the theory that his ailment had always been incurable. Petitioner seeks certiorari primarily on the question whether maintenance and cure extends to vocational rehabilitation.

Wm. Doyle 04/11

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

October 15, 1974

MEMORANDUM TO THE CONFERENCE

Re: No. 73-1994, Vella v. Ford Motor Company

Byron's dissenting opinion has convinced me that there is a significant circuit conflict, and I would, accordingly, change my vote to grant certiorari in this case.

? S.

P.S.

Wm. Day Jr. 10/15/74

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

March 20, 1975

No. 78-1994 - Vella v. Ford Motor Co.

Dear Bill,

I am glad to join your opinion for the Court in this case.

Sincerely yours,

P.S.

Mr. Justice Brennan

Copies to the Conference

S

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

1st DRAFT

SUPREME COURT OF THE UNITED STATES

From: White, J.

Circulated: 10-15-74

JULIAN VELLA v. FORD MOTOR COMPANY

Recirculated: _____

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 73-1994. Decided October —, 1974

MR. JUSTICE WHITE, dissenting.

Petitioner, alleging that he suffered an injury while in the service of his ship, brought this action against the respondent shipowner seeking damages upon theories of negligence and unseaworthiness and for maintenance and cure. Following trial, the jury gave petitioner only a limited award for maintenance and cure and no damages. Upon appeal by both parties, the Court of Appeals affirmed as to the damage claim but reversed the award of maintenance and cure.

The Court of Appeals based its decision that petitioner was entitled to no maintenance and cure upon a finding that the record permitted no inference except that petitioner's condition was permanent immediately after the accident occurred. Petitioner, indeed, had never received any treatment for the condition itself, but only for the relief of the symptoms of dizziness and headaches. Citing *Farrell v. United States*, 336 U. S. 511, 518 (1949), and *Vaughan v. Atkinson*, 369 U. S. 527, 531 (1962), the Court of Appeals held that an injured seaman is entitled to maintenance and cure only until he is cured to the extent that is medically possible.

The interpretation of this Court's decisions in *Farrell* and *Vaughan* accepted by the Court of Appeals below has not been followed in the Third Circuit, which has held that the obligation to provide maintenance and cure extends to the situation "where medical care is needed to arrest further progress of the disease or to relieve pain." *Ward v. Union Barge Line Corp.*, 443 F. 2d 565,

W.W. Doyle 09/74

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
~~Mr. Justice Marshall~~
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

White, J. Circulated:

JULIAN VELLA v. FORD MOTOR COMPANY

Recirculated: 10-16-74

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 73-1994. Decided October —, 1974

MR. JUSTICE WHITE, joined by MR. JUSTICE DOUGLAS, dissenting.

Petitioner, alleging that he suffered an injury while in the service of his ship, brought this action against the respondent shipowner seeking damages upon theories of negligence and unseaworthiness and for maintenance and cure. Following trial, the jury gave petitioner only a limited award for maintenance and cure and no damages. Upon appeal by both parties, the Court of Appeals affirmed as to the damage claim but reversed the award of maintenance and cure.

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The interpretation of this Court's decisions in *Farrell* and *Vaughan* accepted by the Court of Appeals below has not been followed in the Third Circuit, which has held that the obligation to provide maintenance and cure extends to the situation "where medical care is needed to arrest further progress of the disease or to relieve

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

March 20, 1975

Re: No. 73-1994 - Vella v. Ford Motor Co.

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Brennan

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

March 20, 1975

Re: No. 73-1994 -- Julian Vella v. Ford Motor Company

Dear Bill:

Please join me.

Sincerely,

JM
T. M.

Mr. Justice Brennan

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

March 24, 1975

Re: No. 73-1994 - Vella v. Ford Motor Co.

Dear Bill:

Please join me in your circulation of March 21.

Sincerely,



Mr. Justice Brennan

cc: The Conference

March 20, 1975

No. 73-1994 Vella v. Ford

Dear Bill:

I am with you in this "mini-case" and I am in accord with your opinion.

It does seem to me, however, that it would be helpful to make clear - possibly in a note - that a seaman may forfeit his right by not reporting a known injury or malady, or by refusing from the outset to allow proper medical examination, or by discontinuing medical care made available.

My recollection is that at Conference Potter, and perhaps others, favored a caveat along the foregoing lines.

Sincerely,

Mr. Justice Brennan

1fp/ss

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

March 20, 1975

No. 73-1994 Vella v. Ford Motor Company

Dear Bill:

Please join me.

Sincerely,

Lewis

Mr. Justice Brennan

LFP/gg

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

March 20, 1975

Re: No. 73-1994 - Vella v. Ford Motor Co.

Dear Bill:

Please join me.

Sincerely,

WW

Mr. Justice Brennan

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