

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TIMOTHY SKRYNNIKOV,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 11-0609 (PLF)
)	
FEDERAL NATIONAL MORTGAGE ASSOCIATION,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

The matter before the Court is a joint motion to withdraw jury trial. See Joint Motion to Withdraw Jury Trial and to Issue Briefing Order on Remaining Issues (“Mot.”) [Dkt. 100]. Shortly before trial, plaintiff Timothy Skrynnikov, with the consent of defendant Federal National Mortgage Association (“Fannie Mae”), voluntarily dismissed his retaliation claim under the False Claims Act. See Stipulation of Partial Dismissal at 1[Dkt 97]. As a result, Skrynnikov’s interference claim under the federal Family Medical Leave Act (“FMLA”) and the District of Columbia Family Medical Leave Act (“DCFMLA”) is the only claim remaining in the case. The parties agree that a jury trial is no longer necessary and that “the issues remaining for resolution are largely matters of law without the need for fact-finding.” Mot. at 1. They propose filing renewed motions for summary judgment in lieu of a trial and suggest that any few disputed facts that may possibly need to be addressed can be determined at “a bench trial limited to such disputed facts.” Id. at 3.

Although the parties disagree on the need for further briefing regarding liquidated damages at this time, the Court will also require further briefing on the issue of liquidated damages and the impact of the Housing and Economic Recovery Act of 2008 (“HERA”) on Fannie Mae as the defendant in this case. The parties’ briefing should address the following issues: (1) whether the exemplary or liquidated damages provisions in the FMLA and the DCFMLA are punitive or remedial in nature, and (2) assuming the damages provisions are punitive, whether HERA bars liquidated damages against Fannie Mae in this case. The parties need not brief the question of the quantum of Skrynnikov’s lost wages at this time.

Accordingly, it is hereby

ORDERED that the Joint Motion to Withdraw Jury Trial [Dkt. 100] is GRANTED; it is

FURTHER ORDERED that the jury trial scheduled to begin on May 9, 2017, is CANCELLED; it is

FURTHER ORDERED that plaintiff shall file a motion for summary judgment on or before May 17, 2017; it is

FURTHER ORDERED that defendant shall file a combined cross-motion and opposition to plaintiff’s motion for summary judgment on or before May 26, 2017; it is

FURTHER ORDERED that plaintiff shall file a combined opposition to defendant’s motion for summary judgment and reply on or before June 2, 2017; it is

FURTHER ORDERED that defendant shall file its reply to its motion for summary judgment by June 9, 2017; it is

FURTHER ORDERED that defendant shall file a separate motion to preclude exemplary or liquidated damages on or before May 17, 2017, it is

FURTHER ORDERED that plaintiff shall file a response, if any, to defendant's motion to preclude exemplary or liquidated damages on or before May 26, 2017; and it is

FURTHER ORDERED that defendant shall file a reply, if any, to its motion to preclude exemplary or liquidated damages on or before June 2, 2017.

SO ORDERED.

_____/s/_____
PAUL L. FRIEDMAN
United States District Judge

DATE: May 8, 2017