



is “a State or political subdivision of a State and any agency or instrumentality of a State or a political subdivision of a State.” 29 U.S.C. § 630(b). The ADEA could not be more explicit in imposing liability for age discrimination against municipalities. Similarly explicit is the ADEA’s contemplation of the imposition of liquidated damages, as it states in pertinent part “[t]hat liquidated damages shall be payable only in cases of willful violations of this chapter.” 29 U.S.C. § 626(b). The FLSA provisions incorporated in the ADEA provide for the imposition of liquidated damages “against any employer (including a public agency),” 29 U.S.C. § 216(b), and the statutory definition of a “public agency” includes “State[s] or political subdivisions thereof,” 29 U.S.C. § 203(x).

Id. at 372-73. Accordingly, “[i]nasmuch as the statute expressly authorizes that imposition of liquidated damages against a municipality, even though such damages are punitive in nature,” the City’s request to strike Hunter’s claim for liquidated damages under the ADEA is **DENIED**. See also Freeman v. City of Mobile, 146 F.3d 1292, 1305 (11th Cir. 1998) (Kravitch, J., concurring and noting that “a public agency found to have violated FLSA’s overtime requirements is liable to its employees in the amount of . . . unpaid overtime compensation . . . and in an additional equal amount as liquidated damages . . .” Id. (internal quotation omitted)).

**DONE and ORDERED** this the **13th** day of **April, 2010**.

/s/ Kristi K. DuBose  
**KRISTI K. DUBOSE**  
**UNITED STATES DISTRICT JUDGE**