

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**CONNIE STEELE, as Mother and Next of
Kin of Phillip T. Cameron, Deceased**

PLAINTIFF

vs.

CASE NO. 3:07-CV-00197

**GRAHAM L. CROOK, HERTZ RENTAL
CAR LLC, HERTZ CORPORATION and
AMERICAN FAMILY MUTUAL INSURANCE, as
Uninsured Motorist Carrier**

DEFENDANTS

ORDER GRANTING PARTIAL SUMMARY JUDGMENT

Before the Court is a Motion for Partial Summary Judgment filed by Defendant Graham L. Crook (“Crook”). The motion was filed on December 17, 2008. Plaintiff has failed to file a response or to make any request for an extension of time within which to respond. Accordingly, all the facts asserted in Crook’s Statement of Undisputed Facts, (docket entry # 38), are accepted as true.

Defendant Crook seeks the dismissal of Plaintiff’s claim for punitive damages as a matter of law. For cause, Crook asserts that while Plaintiff has presented evidence from which a jury could find that Crook negligently caused a vehicle he was operating to collide with a vehicle sitting on the side of the interstate, thereby causing the death of Phillip T. Cameron, Plaintiff has no evidence that would permit an award of punitive damages.

Under Arkansas law, punitive damages are recoverable upon a finding of “willful, wanton, or malicious conduct.” *South County, Inc. v. First Western Loan Co.*, 315 Ark. 722, 871 S.W.2d 325 (1994). Negligence, however gross, will not support an award of punitive damages. *Nat’l Bank of Commerce v. McNeill Trucking Co., Inc.*, 309 Ark. 80, 828 S.W.2d 584 (1992).

Plaintiff has made no effort to present any evidence of willful, wanton, or malicious conduct to support a claim for punitive damages. Accordingly,

IT IS HEREBY ORDERED THAT Defendant Graham L. Crook's Motion for Partial Summary Judgment (docket no. 36) be, and it is hereby, GRANTED. Plaintiff's claim for punitive damages is hereby DISMISSED WITH PREJUDICE.

IT IS SO ORDERED this 21st day of January, 2009.

/s/ Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE