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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FERNANDO YATES,  
Plaintiff,  
v.  
WEST CONTRA COSTA UNIFIED  
SCHOOL DISTRICT,  
Defendant.

Case No. [16-cv-01077-MEJ](#)

**ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS PRAYER FOR  
PUNITIVE DAMAGES**

Re: Dkt. No. 67

Plaintiff Fernando Yates asserts claims under the Americans with Disabilities Act and Title VII of the Civil Rights Act of 1964 against one Defendant: West Contra Costa Unified School District (“Defendant”). *See* Second Am. Compl. (“SAC”), Dkt. No. 52. Defendant moves to dismiss Plaintiff’s prayer for punitive damages on the ground that Defendant is a public entity. Mot., Dkt. No. 67.

Punitive damages are not available against a governmental entity in California under the statutes that form the basis of Plaintiff’s claims. *See Guess v. Contra Costa Cmty. Coll. Dist.*, 2016 WL 5930628, at \*9 (N.D. Cal. Oct. 12, 2016) (“[P]unitive damages are not available against a public entity.”) (citing Cal. Gov’t Code § 818; *Westlands Water Dist. v. Amoco Chem. Co.*, 953 F.2d 1109, 1113 (9th Cir. 1991); 42 U.S.C. § 1981a(b)(1) (punitive damages not available against public entity under Title VII)); *Lopez v. Cty. of Los Angeles*, 2016 WL 54123, at \*2 (N.D. Cal. Jan. 5, 2016) (“[P]unitive damages are not available against public entities, though they are available against individuals”); *Leglu v. Cty. of Santa Clara*, 2014 WL 4100599, at \*13 (N.D. Cal. Aug. 20, 2014) (barring Plaintiff in Title VII case from recovering punitive damages pursuant to Cal. Gov’t Code § 818).

The Court according **GRANTS** Defendant’s Motion to dismiss Plaintiff’s request for punitive damages.

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Defendant shall answer the SAC no later than February 24, 2017.

**IT IS SO ORDERED.**

Dated: February 10, 2017



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MARIA-ELENA JAMES  
United States Magistrate Judge