

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JAMES SOLIDAY,

Plaintiff,

vs.

Case No. 2:09-cv-807-FtM-29SPC

7-ELEVEN, INC.,

Defendant.

OPINION AND ORDER

This matter comes before the Court on Defendant 7-Eleven, Inc.'s Motion in Limine #2: Motion to Strike Plaintiff's Claims for Compensatory and Punitive Damages on ADA Disparate Impact Claim and Have the Court Decide Plaintiff's ADA Disparate Impact Claim (Doc. #90) filed on April 11, 2011. Plaintiff's responsive Memorandum of Law (Doc. #117) was filed on April 22, 2011.


Plaintiff concedes that he is not entitled to compensatory or punitive damages for his ADA disparate impact claim in Count III. Only equitable remedies under 42 U.S.C. § 2000e-5 may be awarded, and the Court finds that in such a circumstance plaintiff has no statutory or constitutional right to a jury trial. Alvarado v. Cajun Operating Co., 588 F.3d 1261, 1269-70 (9th Cir. 2009); Kramer v. Bank of Am. Secs., LLC, 355 F.3d 961, 966 (7th Cir. 2004).

Accordingly, it is now

ORDERED:

Defendant 7-Eleven, Inc.'s Motion in Limine #2: Motion to Strike Plaintiff's Claims for Compensatory and Punitive Damages on ADA Disparate Impact Claim and Have the Court Decide Plaintiff's ADA Disparate Impact Claim (Doc. #90) is **GRANTED**. The claim for compensatory and punitive damages as to Count III of the Amended Complaint is stricken, and plaintiff's demand for a jury trial as to Count III is denied.

DONE AND ORDERED at Fort Myers, Florida, this 13th day of June, 2011.



JOHN E. STEELE
United States District Judge

Copies:
Counsel of record