

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ROBERT MERCOGLAN,

Plaintiff,

v.

Case No: 2:18-cv-209-FtM-38MRM

CHARLOTTE COUNTY BOARD OF  
COUNTY COMMISSIONERS,

Defendant.

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**OPINION AND ORDER**<sup>1</sup>

Before the Court is Defendant Charlotte County's Motion to Dismiss Counts IV, VI, and VII of Plaintiff Robert Mercoglan's Third Amended Complaint and Unopposed Motion to Strike Plaintiff's Claims for Punitive Damages in Counts III, IV, and V. ([Doc. 45](#)). Mercoglan does not oppose dismissing Counts IV, VI, and VII. ([Doc. 46](#)). Nor does he object to striking his claims for punitive damages in Counts III, IV, and V. Having carefully considered the parties' briefs, applicable law, and the record, the Court will grant Charlotte County's motion.

Accordingly, it is now

**ORDERED:**

(1) Defendant Charlotte County's Motion to Dismiss Counts IV, VI, and VII of Plaintiff Robert Mercoglan's Third Amended Complaint and Unopposed Motion

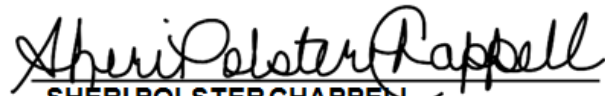
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to Strike Plaintiff's Claims for Punitive Damages in Counts III, IV, and V ([Doc. 45](#)) is **GRANTED**.

(2) Mercoglan is **DIRECTED** to file a Fourth Amended Complaint that complies with this Opinion and Order on or before **October 19, 2018**. Defendant must file an answer on or before **October 24, 2018**.

**DONE** and **ORDERED** in Fort Myers, Florida this 15th day of October 2018.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record