

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

HARRIET THOMPKINS,

Plaintiff,

v.

CASE NO.: 8:10-cv-1518-T-23TBM

GULF BEACHES PUBLIC LIBRARY, INC.,
a Florida Non-Profit Corporation,

Defendant.

ORDER

The plaintiff brings suit “under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 to redress discrimination in Plaintiff’s discharge from employment” (Doc. 1) The defendant moves (Doc. 14) to strike the plaintiff’s request for punitive damages. Although the plaintiff sues in federal court and asserts claims under federal statutes only, the defendant’s perfunctory motion cites for legal authority only “Section 768.72, Florida Statutes.” The defendant states that “[t]o the extent that such ‘punitive damages’ are sought against GULF BEACHES pursuant to the Plaintiff’s claims arising under Florida law, pleading entitlement to such damages at this juncture in the Plaintiff’s pleadings is premature and improper.”

On or before **November 24, 2010**, the defendant shall file a memorandum both including supporting citation to legal authority and not exceeding fifteen pages. The defendant’s memorandum (1) shall explain why a Florida statute governs the applicability of punitive damages in this federal question action or (2) shall explain why punitive

damages are not otherwise available. The plaintiff may file a response not exceeding ten pages no later than **December 3, 2010**.

ORDERED in Tampa, Florida, on November 18, 2010.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE