

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

MIRIAM SANDERS WALKER,

Plaintiff,

v.

CASE NO. 4:08cv278-RH/WCS

FLORIDA COMMISSION ON
HUMAN RELATIONS,

Defendant.

_____ /

ORDER DENYING MOTION TO DISMISS OR STRIKE

This is an employment discrimination action. The defendant has moved to dismiss the first amended complaint on the ground that it impermissibly attempts to state a pattern and practice claim. Alternatively, the defendant has moved to strike any pattern and practice allegations.

Under the law of the circuit, a pattern and practice claim may be maintained only in a class action. This is not a class action. But the first amended complaint does not attempt to assert a pattern and practice claim. Accordingly,

IT IS ORDERED:

The defendant's motion (document 14) to dismiss or strike portions of the

first amended complaint is DENIED.

SO ORDERED on September 24, 2008.

s/Robert L. Hinkle
Chief United States District Judge