

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

WILLIAM E. GRIFFIN,

Plaintiff,

vs.

CASE NO. 4:11cv104/RS-WCS

GEICO GENERAL INSURANCE
COMPANY,

Defendant.

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ORDER

Before me is Plaintiff's Motion To Strike Defendant's Eleventh Affirmative Defense (Doc. 39). Defendant's affirmative defense incorrectly contends that Section 627.737(4), Florida Statutes, prohibits a claim for punitive damages in a case such as this, a first-party bad faith action by the insured against his uninsured/underinsured motorist insurance carrier. This issue has long been settled in Florida. See, *State Farm Mutual Automobile Insurance Company v. Laforet*, 658 So.2d 55 (Fla. 1995), Fla. Stat. §§624.155(5) and 627.727(10).

Defendant's Eleventh Affirmative Defense is stricken.

ORDERED on August 30, 2011.

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE