

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
BOWLING GREEN DIVISION  
CASE NO. 1:08-CV-159**

**BESSIE S. BARRETT**

**PLAINTIFF**

v.

**PILOT TRAVEL CENTERS LLC**

**DEFENDANT**

**MEMORANDUM OPINION AND ORDER**

This matter is before the Court upon Defendant's Motion to Dismiss Punitive Damages Claim (Docket #16). Plaintiff has responded (Docket #17). Defendant has replied (Docket #19). The Court being sufficiently advised, Defendant's motion is GRANTED.

Plaintiff filed her employment discrimination case under the Kentucky Civil Rights Act, Ky. Rev. Stat. Ann. § 344.010 *et seq.* In her complaint, Plaintiff requests punitive damages. Defendant asserts that punitive damages are not available under the Kentucky Civil Rights Act. Plaintiff does not refute Defendant's argument, but instead asserts that intentional acts in employment discrimination cases are comparable to other torts in which punitive damages are allowed. Under the Kentucky Civil Rights Act, a claimant may "recover the actual damages sustained, together with the costs of the law suit." Ky. Rev. Stat. Ann. § 344.450. The Kentucky Supreme Court has held that punitive damages are not available under the Kentucky Civil Rights Act. *Childers Oil Co. v. Adkins*, 256 S.W.3d 19, 27 (Ky. 2008); *Kentucky Dep't of Corr. v. McCullough*, 123 S.W.3d 130, 138 (Ky. 2003) ("Actual damages' are compensatory in nature and, as such, do not include punitive damages."). Therefore, Plaintiff's punitive damages claim must be dismissed.

For the foregoing reasons, **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss Punitive Damages Claim is **GRANTED**.