

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANAKA HUNTER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:12-CV-4 ERW
)	
CITY OF SALEM, MISSOURI, et al.,)	
)	
Defendants.)	

MOTION TO STRIKE JURY DEMANDS

Comes now Plaintiff and moves this Court to strike Defendants’ jury demands. In support, Plaintiff states:

1. On January 3, 2012, Plaintiff filed this action pursuant to 42 U.S.C. § 1983 against Defendants seeking declaratory judgment, injunctive relief, and nominal damages. (Doc. # 1).
2. Defendant City of Salem, Missouri, has filed a motion to dismiss. (Doc. # 18).
3. Defendants Board of Trustees of the Salem, Missouri, Public Library and Glenda Wofford have filed separate answers. (Doc. # 16, 17).
4. In their respective answers, Board of Trustees and Wofford demand a trial by jury. *Id.*
5. For the reasons explained in the accompanying memorandum in support of this motion, Defendants are not entitled to a jury trial in this matter because there is no right to a jury in a §1983 case seeking equitable relief and a request for nominal damages is insufficient to trigger the Seventh Amendment’s right to a jury.

WHEREFORE Plaintiff moves this Court for entry of an order striking Defendants' jury demands should be stricken.

Respectfully submitted,

/s/ Anthony E. Rothert

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CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and a copy was made available electronically to counsel for defendants, who are an electronic filing participant.

/s/ Anthony E. Rothert