



Plaintiff attempts to use a motion for reconsideration as a second chance to raise arguments that should have been made during the initial briefing, when, by failing to address his punitive damages claim, Plaintiff waived the issue. *See Samoles v. Lacey Twp.*, 12-cv-3066, 2014 WL 2602251, at \*4 n.8 (D.N.J. June 11, 2014) (“District courts in and out of this Circuit routinely deem abandoned a party’s claim when that party fails to present any opposition to a motion for summary judgment.”) (collecting cases).

In any event, Plaintiff has failed to satisfy the high bar for punitive damages. Like any other case where punitive damages are available, punitive damages should only be awarded under the NJLAD in exceptional cases. *See DiGiovanni v. Pessel*, 55 N.J. 188, 190 (1970). The wrongdoer’s conduct must be “especially egregious.” *Rendine v. Pantzer*, 141 N.J. 292, 313 (1995) (citations omitted). That is, Plaintiff must show “actual malice” or “a wanton and willful disregard of persons who might be harmed[.]” *Cavuoti v. New Jersey Transit Corp.*, 161 N.J. 107, 120 n.2 (1999). “[P]unitive damages are not automatically available simply on the basis of a LAD violation.” *Maiorino v. Schering-Plough Corp.*, 302 N.J. Super. 323, 353 (App. Div. 1997). Broad’s evidence in support of his age discrimination claim does not establish exceptionally egregious conduct.

For the foregoing reasons,

**IT IS** on this 16<sup>th</sup> day of September, 2016,

**ORDERED** that Plaintiff’s motion for reconsideration [Docket No. 33] be, and hereby is, **DENIED**.

s/ Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge