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IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

MOHAMED FALL, :

: Case No. 1:15-cv-127

Plaintiff,

Judge Susan J. Dlott

v. :

: Order Granting Defendants' Motion for

LA FITNESS, et al., : Partial Summary Judgment. (Doc. 25.)

:

Defendants. :

:

This matter comes before the Court on Defendants' Motion for Partial Summary Judgment. (Doc. 25.) For the following reasons, the Motion is GRANTED.

Plaintiff alleges that Defendants violated Title II of the Civil Rights Act of 1964, 42 U.S.C. § 2000a et seq., by discriminating against him on the basis of race and/or religion in prohibiting Plaintiff from praying in the LA Fitness locker room. For relief, he seeks declaratory and injunctive relief, as well as monetary damages.

In the Motion for Partial Summary Judgment (Doc. 25), Defendants argue they are entitled to summary judgment on Plaintiff's claim for monetary damages. According to Defendants, the plain language of Title II of the Civil Rights Act limits the remedies available to Plaintiff to injunctive relief. On this basis, Defendants move for summary judgment with respect to Plaintiff's claim for monetary damages.

In response, Plaintiff acknowledges that monetary damages are not permitted in Title II actions. However, Plaintiff argues that he is not precluded from pursuing monetary damages in other claims arising from the allegations set forth in the First Amended Complaint. Plaintiff

indicates that he intends to move the Court for leave to amend the complaint to add additional

claims for which monetary damages are available after conducting discovery.

Defendants' Motion for Partial Summary Judgment (Doc. 25) is GRANTED as to

Plaintiff's request for monetary damages under Title II of the Civil Rights Act. As argued by

Defendants, monetary damages are not recoverable in an action brought under Title II. Newman

v. Piggie Park Enterprises, Inc., 390 U.S. 400, 401–402 (1968) ("When a plaintiff brings an

action under [Title II], he cannot recover damages."); Watson v. Fraternal Order of Eagles, 915

F.2d 235, 241 (6th Cir. 1990) ("Title II only permits the issuance of an injunction and

declaratory relief."). If Plaintiff decides to pursue other claims after conducting discovery he

may move the Court for leave to file a second amended complaint at that time.

IT IS SO ORDERED.

S/Susan J. Dlott

Susan J. Dlott, Judge

United States District Court

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