

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MARGARET T. BROOKS,

10 Plaintiff,

11 v.

12 SEATTLE HOUSING AUTHORITY,

13 Defendant.
14

CASE NO. C 12-0878-JCC

ORDER GRANTING MOTION FOR
SUMMARY JUDGMENT ON
PUNITIVE DAMAGES

15 This matter comes before the Court on Defendant's motion for partial summary
16 judgment. (Dkt. No. 34.) Having thoroughly considered the parties' briefing and the relevant
17 record, the Court hereby GRANTS the motion for the reasons explained herein.

18 **I. BACKGROUND**

19 For approximately twenty-three years, Plaintiff Margaret Brooks has resided at Olympic
20 Place Apartments, owned and operated by the Defendant. (Dkt. No. 21 at 2.) Plaintiff states that
21 she is a "64 year old African-America mixed Cherokee Indian" who suffers from a number of
22 ailments, leaving her disabled. (*Id.*) Plaintiff filed a complaint against the Seattle Housing
23 Authority ("SHA") alleging that the SHA discriminated against her, because of her race and
24 disability, in violation of the Fair Housing Act (FHA) and the Americans with Disability Act
25 (ADA). (*Id.* at 1.) This intentional discrimination, Plaintiff alleges, has "lead to her declining
26 health including aggravating her blindness and other health issues." (*Id.* at 4.) Plaintiff seeks,

1 *inter alia*, punitive damages against SHA “because of the intentional and willful nature of the
2 SHA’s conduct.” (*Id.*)

3 SHA moves to dismiss the punitive damages claim, arguing that punitive damages are not
4 available under the ADA and unavailable against municipalities under the FHA. (Dkt. No. 34 at
5 1.) The Court agrees with the Defendant and finds that punitive damages are not available for the
6 reasons stated below.

7 **II. DISCUSSION**

8 Pursuant to Rule 56 of the Federal Rules of Civil Procedure, “[t]he court shall grant
9 summary judgment if the movant shows that there is no genuine dispute as to any material fact
10 and the movant is entitled to judgment as a matter of law.” FED. R. CIV. P. 56(a). Ultimately,
11 summary judgment is appropriate against a party who “fails to make a showing sufficient to
12 establish the existence of an element essential to that party’s case, and on which that party will
13 bear the burden of proof at trial.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986).

14 In *Barnes v. Gorman*, 536 U.S. 181, 189 (2002), the Supreme Court held that punitive
15 damages are unavailable under the ADA. Accordingly, Plaintiff’s claim for punitive damages
16 based on violated of the ADA is dismissed

17 As for punitive damages under FHA, this Court concurs with the Defendant that while
18 punitive damages are available in some circumstances, they are unavailable here. As a “general
19 rule,” punitive damages are unavailable against municipalities unless expressly authorized by
20 statute. *Newport v. Fact Concerts*, 453 U.S. 247, 261–64 (1981). This common law doctrine is
21 rooted in notions of public policy. *Id.* at 262–63. Punitive damages are not intended to
22 compensate the injured but to punish the wrongdoer. *Id.* at 266–67. Where municipalities are
23 concerned, the Supreme Court has stated that they are against public policy because “an award of
24 punitive damages against a municipality ‘punishes’ only the taxpayers, who took no part in the
25 [discrimination].” *Id.* at 267.

26 While the FHA authorizes punitive damages in general, it does not expressly authorize

1 punitive damages against municipalities. 42 U.S.C. § 3613(c). The general authorization of
2 punitive damages in the FHA does not meet the *Fact Concerts*' requirement of an express
3 authorization of punitive damages against municipalities. For this reason, this Court finds that
4 punitive damages are not available against municipalities under the FHA. *See Inland Mediation*
5 *Bd. v. City of Pomona*, 158 F. Supp. 2d 1120, 1158 (C.D. Cal. 2001) (finding punitive damages
6 unavailable under FHA against municipalities); *Alamar Ranch, LLC v. County of Boise*, 2010
7 U.S. Dist. LEXIS 40978 (D. Idaho Apr. 27, 2010); *L&F Homes & Dev. v. City of Gulfport*, 2011
8 U.S. Dist. LEXIS 131976 (S.D. Miss. Nov. 15, 2011).

9 SHA is a municipal corporation. *See Telford v. Clackamas County Housing Authority*,
10 710 F.2d 567, 570 (9th Cir. 1983). *See also* Wash. Rev. Code § 35.82.070 (“An authority shall
11 constitute a public body corporate and politic, exercising public and essential governmental
12 functions . . .”). Thus, punitive damages are unavailable under the FHA.

13 **III. CONCLUSION**

14 For the foregoing reasons, Defendant’s motion for partial summary judgment dismissing
15 Plaintiff’s claim for punitive damages (Dkt. No. 34) is GRANTED.

16 DATED this 1st day of October 2013.

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23 John C. Coughenour
24 UNITED STATES DISTRICT JUDGE
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