

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

ALFONSA RILEY,

Plaintiff,

v.

CASE NO. 8:17-cv-1438-T-26JSS

PINELLAS COUNTY,

Defendant.

_____ /

ORDER

UPON DUE AND CAREFUL CONSIDERATION of the procedural history of this case, it is **ORDERED AND ADJUDGED** that Defendant's Motion for Summary Judgment (Dkt. 11) is stricken pursuant to paragraph 6(g) of the Court's Case Management and Scheduling Order entered September 5, 2017, at docket 8, for failure to comply with paragraph 6(b) of that order.

Moreover, Defendant's motion is also due to be denied on the merits without burdening Plaintiff with having to file a response for the following two reasons. First, defense counsel has obviously not reviewed carefully the provisions of section 760.11(5), Florida Statutes. Had he done so, counsel would have discovered that the statute indeed permits an award of punitive damages not to exceed \$100,000. Second, the Court will not consider the unauthenticated exhibits to the motion because they are inadmissible hearsay

which, in the Court's view, cannot be reduced to admissible evidence. See Macuba v. Deboer, 193 F.3d 1316, 1322-23 (11th Cir. 1999).

DONE AND ORDERED at Tampa, Florida, on June 4, 2018.

s/Richard A. Lazzara
RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel of Record