

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LEA K. RELAS,

Plaintiff,

v.

Case No: 2:18-cv-220-FtM-38CM

LEE COUNTY PORT
AUTHORITY,

Defendant.

ORDER

This matter comes before the Court upon review of Defendant's Unopposed Motion to Strike Plaintiff's Claim for Punitive Damages, filed on April 16, 2018. Doc. 10. Defendant Lee County Port Authority ("LCPA") seeks to strike Plaintiff's request for punitive damages under her Florida Civil Rights Act ("FCRA") claim. Doc. 10 at 1; *see also* Doc. 2 at 4. Plaintiff does not oppose the motion. Doc. 10 at 2. For the reasons stated below, the motion will be granted.

Under Federal Rule of Civil Procedure 12(f), the Court may strike "an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Although courts generally disfavor motions to strike, "[d]istrict courts have broad discretion in disposing of motions to strike" under Rule 12(f). *Hansen v. ABC Liquors, Inc.*, No. 3:09-cv-966-J-34MCR, 2009 WL 3790447, at *1 (M.D. Fla. Nov. 9, 2009); *Microsoft Corp. v. Jesse's Computers & Repair, Inc.*, 211 F.R.D. 681, 683 (M.D. Fla. 2002) (internal citations omitted).

Here, LCPA argues the punitive damages request should be stricken because LCPA, as a subdivision of the State of Florida, cannot be liable for punitive damages for claims under the FCRA. Doc. 10 at 1-2 (citing Fla. Stat. §§ 760.11(5), 768.28(5)). Plaintiff agrees with the relief requested. Doc. 10 at 2. Because punitive damages are not recoverable against LCPA, a subdivision of the State of Florida, the Court will strike Plaintiff's request for punitive damages. *See* Fla. Stat. §§ 760.11(5), 768.28(5); *Erickson v. Hunter*, 932 F. Supp. 1380, 1385-86 (M.D. Fla. 1996); *see also Winters v. Fla. Dep't of Corr.*, 203 F. Supp. 2d 1305, 1307 n.2 (M.D. Fla. 2001).

ACCORDINGLY, it is

ORDERED:

Defendant's Unopposed Motion to Strike Plaintiff's Claim for Punitive Damages (Doc. 10) is **GRANTED**. Plaintiff's claim for punitive damages alleged in the "WHEREFORE" paragraph, subsection (d) of Plaintiff's Second Amended Complaint and Demand for Jury Trial (Doc. 2), is **STRICKEN**.

DONE and **ORDERED** in Fort Myers, Florida on this 14th day of May, 2018.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record