

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS**

<b>Beverly Landis,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 05-2329-JWL</b>
	)	
	)	
<b>Catholic Charities, Inc.,</b>	)	
	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**MEMORANDUM AND ORDER**

Plaintiff filed suit against defendant alleging violations of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 621 et seq. This matter is presently before the court on defendant’s motion for partial judgment on the pleadings (doc. #6). Specifically, defendant moves for judgment on the pleadings to the extent plaintiff seeks to recover compensatory and punitive damages. The motion is granted.<sup>1</sup> As defendant highlights in its motion, and as Tenth Circuit precedent clearly establishes, neither compensatory nor punitive damages are available under the ADEA. *See Villescas v. Abraham*, 311 F.3d 1253, 1259 (10th Cir. 2002) (reviewing established

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<sup>1</sup>Pursuant to Local Rule 6.1(d)(2), plaintiff had twenty-three days to respond to defendant’s motion. Pursuant to Local Rule 7.4, “[i]f a respondent fails to file a response within the time required by Rule 6.1(d), the motion will be considered and decided as an uncontested motion, and ordinarily will be granted without further notice.” Plaintiff has not filed a response to defendant’s motion and, thus, the motion is uncontested. Nonetheless, as should be clear from the court’s order, the court is not granting the motion on the grounds that plaintiff failed to respond to the motion; the court is granting the motion based solely on the merits of the arguments contained therein.

law in Tenth Circuit that emotional distress damages and punitive damages are not available in private sector ADEA cases). Defendant's motion, then, is granted and plaintiff's claims for compensatory and punitive damages are dismissed.

**IT IS THEREFORE ORDERED BY THE COURT THAT** defendant's motion for partial judgment on the pleadings (doc. #6) is granted.

**IT IS SO ORDERED.**

Dated this 12<sup>th</sup> day of December, 2005, at Kansas City, Kansas.

s/ John W. Lungstrum  
John W. Lungstrum  
United States District Judge