

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

DEBRA STEPHENSON,

Plaintiff,

vs.

**DEBORAH YOUNG, SOUTHEAST KANSAS
EDUCATION SERVICE CENTER a/k/a
Greenbush a/k/a Interlocal 609,**

Defendants.

CIVIL ACTION

No. 10-2197-KHV

MEMORANDUM AND ORDER

This matter is before the Court on Defendants' Motion For Judgment On The Pleadings On Count I Of Plaintiff's Complaint And Defendant Center's Motion To Strike, Or In The Alternative, For Judgment On The Pleadings On Plaintiff's Claim For Punitive Damages (Doc. #8) filed July 8, 2010.

Defendants seek judgment on the pleadings on Count I (due process claim) of the original Complaint (Doc. #1), but plaintiff has not included a due process claim in her First Amended Complaint (Doc. #18) filed July 29, 2010. The Court therefore overrules that portion of defendant's motion as moot.

Southeast Kansas Education Service Center a/k/a Greenbush a/k/a Interlocal 609 ("Greenbush") also seeks judgment on the pleadings on plaintiff's claim for punitive damages against it. Plaintiff concedes that she cannot assert a claim for punitive damages against Greenbush. See Plaintiff's Reply In Support Of Her Motion For Leave To File Second Amended Complaint And In Opposition To Motion For Judgment On The Pleadings (Doc. #32) filed September 9, 2010 at 5; see also K.S.A. Section 75-6105(c) (governmental entity shall not be liable for punitive or

exemplary damages or for interest prior to judgment). The Court therefore sustains defendants' motion in this regard. The Court dismisses plaintiff's claim for punitive damages against Southeast Kansas Education Service Center a/k/a Greenbush a/k/a Interlocal 609.

IT IS THEREFORE ORDERED that Defendants' Motion For Judgment On The Pleadings On Count I Of Plaintiff's Complaint And Defendant Center's Motion To Strike, Or In The Alternative, For Judgment On The Pleadings On Plaintiff's Claim For Punitive Damages (Doc. #8) filed July 8, 2010 be and hereby is **SUSTAINED in part**. The Court sustains defendants' motion for judgment on the pleadings as to plaintiff's claim for punitive damages against Southeast Kansas Education Service Center a/k/a Greenbush a/k/a Interlocal 609. Defendant's motion is otherwise overruled as moot.

Dated this 6th day of December, 2010 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge