

Mississippi



Deft Defendants Dismiss Poorly Pled Punitive Case



David Dunbar



Clark Monroe



Christopher
Dunnells

In this case, the allegations were that E 3 Trucking, Inc.'s driver, Aghajani, negligently rear-ended the Plaintiffs' vehicle causing bodily injury. Plaintiffs' Complaint alleged specifically "Aghajani failed to keep a proper lookout for the vehicle operated by [Plaintiff], failed to operate the tractor-trailer with reasonable care, and negligently collided with the vehicle operated by [Plaintiff]." Plaintiffs' Complaint then immediately followed the above by stating "Aghajani's negligence was so flagrant and outrageous that it rises to the level of gross negligence and reckless." On this basis, Plaintiffs sought punitive damages against the Defendants.

Defendants immediately moved for dismissal of the punitive damages claim under Rule 12(c) of the Federal Rules of Civil Procedure, asserting there was no specifically asserted factual basis for punitive damages.

Plaintiffs in response attempted to obfuscate Defendants' argument and state that dismissal was not appropriate without discovery under a summary judgment standard. The Defendants were forced to make clear the argument seeking dismissal of Plaintiffs' claim for punitive damages was not just that there was insufficient *proof* to support punitive damages, but rather that the Plaintiffs failed to *plead sufficient facts* to support a viable claim for punitive damages under the *Iqbal/Twombly* standard. **The U.S. District Court agreed and dismissed the Plaintiffs' claim for punitive damages.**

The Court stated that the allegations in the Plaintiffs' Complaint were "mere conclusions, rather than facts and are insufficient to support an award of punitive damages." Punitive damages pled against the employer Defendant based on vicarious liability were likewise dismissed.

The *Iqbal/Twombly* pleading standard is an arrow that often goes underutilized in defense counsel's quiver. Punitive damages are an extraordinary remedy and rarely applicable in simple motor vehicle accidents. When the facts as pled in a plaintiff's complaint do not specifically give the "how" or the "why" the conduct justifies punitive damages, defense counsel should consider immediately moving to dismiss claims for punitive damages under Rule 12(c) to narrow the case and limit potentially abusive discovery.