

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

**JILL NATION,**

**Plaintiff,**

v.

**THOMAS E. MOORE, DDS, and  
ROCK DENTAL MISSOURI, LLC,**

**Defendants.**

**Case No.: 3:22 cv 5063 - MDH**

**ORDER STRIKING PUNITIVE DAMAGES**

A federal court sitting in diversity applies state substantive and federal procedural law. *Miller v. Honkamp Krueger Fin. Servs., Inc.*, 9 F.4<sup>th</sup> 1011, 1016 (8<sup>th</sup> Cir. 2021). If an item of special damage is claimed, it must be specifically stated. Fed. R. Civ. P. 9(g). Conduct that is outrageous because of the defendant's evil motive or reckless indifference to the rights of others may warrant punitive damages. *Burnett v. Griffith*, 769 S.W.2d 780, 787 (Mo. Banc (1989)).

Plaintiff's amended complaint (Doc. 36) however makes no specified mention or a request for punitive damages as procedurally required under federal law. Further, Plaintiff has not set within their amended complaint any allegations that Defendants acted with evil motive or demonstrated reckless indifference regarding any of the claims alleged as substantially required under state law.

**CONCLUSION**

Therefore, the Court hereby **DENIES** Plaintiff's request to seek punitive damages at trial. An award of punitive damages will not be an issue in trial of this matter.

**IT IS SO ORDERED.**

DATED: August 12, 2024

*/s/ Douglas Harpool*

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**DOUGLAS HARPOOL**  
**UNITED STATES DISTRICT JUDGE**