

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

DECLAN MURPHY,
Plaintiff,

v.

BEAVEX, INC.
Defendant.

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CIVIL ACTION NO.
3-06-cv-1109 (JCH)

MARCH 8, 2007

RULING RE: MOTION TO STRIKE (Doc. No. 9) AND MOTION TO DISMISS (DOC. NO. 10)

Plaintiff Declan Murphy brings this action against defendant Beavex, Incorporated (“Beavex”) claiming, *inter alia*, violations of Title VII of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973. Beavex has brought an unopposed motion to strike Paragraphs 38 and 40 of the complaint, which address Murphy’s Title VII and Rehabilitation Act allegations. Beavex also brings a motion to dismiss any claims for relief based on these paragraphs.

The provisions of Title VII are addressed to discrimination based on an employee’s race, color, religion, sex, or national origin. See 42 U.S.C. § 2000e-2. Murphy does not allege facts stating a claim for relief on any of these bases. Murphy also does not allege that Beavex is subject to the Rehabilitation Act by virtue of receiving some form of federal funding. See Powell v. National Bd. of Medical Examiners, 364 F.3d 79, 85 (2d Cir. 2004). Beavex’s Motion to Strike (Doc. No. 9) and Motion to Dismiss (Doc. No. 10) Paragraphs 38 and 40 are therefore GRANTED.

SO ORDERED.

Dated at Bridgeport, Connecticut this 8th day of March, 2007.

/s/ Janet C. Hall
Janet C. Hall
United States District Judge