

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

EQUAL EMPLOYMENT OPPORTUNITY *
COMMISSION, *
*
Plaintiff, *
*
v. * Civ. No. 3:04-CV-2109-H
*
STOCKS, INC., d/b/a CAFÉ ITALIA, *
*
*
Defendant. *

ORDER ON POST-JUDGMENT MOTIONS

Before the Court are the following motions: Plaintiff EEOC's Motion under Fed. R. Civ. P. 59(c) to Alter or Amend Judgment, filed May 4, 2006; Defendant's Response, filed May 23, 2006; Defendant Stocks, Inc.'s Motion for Judgment Notwithstanding Verdict, and supporting brief, filed May 8, 2006; Plaintiff EEOC's Response to Motion for Judgment Notwithstanding the Verdict, filed May 24, 2006; Plaintiff EEOC's Motion for New Trial on the Issue of Punitive Damages, filed May 10, 2006; and Response of Stocks, Inc. to Plaintiff EEOC's Motion for New Trial, filed May 26, 2006.

This case was brought by the Equal Employment Opportunity Commission ["EEOC"] on behalf of complainant Ashley Bridges for damages and injunctive relief based on Title VII sexual harassment (hostile work environment) and retaliation. *See* 42 U.S.C. § 2000e-5; 42 U.S.C. § 1981(a). After trial April 3-5, 2006, the jury returned a verdict in favor of Plaintiff for damages in the amount of \$10,000 on the charge of retaliation; and in favor of Defendant on the charge of sexual harassment. Final Judgment was entered on April 26, 2006.

In the motion for judgment notwithstanding the verdict, Defendant argues lack of evidence to support a finding that Bridges engaged in a Title VII protected activity and/or that Defendant was guilty of retaliation. On the contrary, the Court finds the jury's verdict of retaliation to be reasonable from the evidence presented. *See Long v. Eastfield College*, 88 F.3d 300, 304-05 (5th Cir. 1996) (setting out the standard for a Title VII retaliation claim, as well as parameters for "protected activity"); *Wardlaw v. Inland Container Corp.*, 76 F.3d 1372, 1375 (5th Cir. 1996) ("[T]he Court should consider all of the evidence . . . in the light and with all reasonable inferences most favorable to the party opposed to the motion."); *see also Smith v. Enesco Imports Corp.*, 1989 WL 103362, *2 (N.D. Ill. 1989) (holding the threat of a discrimination suit, *inter alia*, to be a protected activity). Defendant's motion for judgment as a matter of law is **DENIED**.

In Plaintiff's motion to alter or amend judgment, the EEOC asks the Court to award injunctive relief and to render judgment enforceable by contempt. Under Rule 59(e), the Court may amend final judgment on any of the following grounds: (1) intervening change in controlling law; (2) availability of new evidence not previously available; or (3) the need to correct a clear error of law or to prevent manifest injustice. *See Atkins v. Marathon LeTourneau Co.*, 130 F.R.D. 625, 626 (S.D. Miss. 1990); FED. R. CIV. P. 59(e). No authority cited by the EEOC supports the requested amendments, which are not justified in this case for the reasons given in the order of April 26, 2006. Plaintiff's motion to alter or amend judgment is **DENIED**.

Finally, Plaintiff moves for new trial on the question of punitive damages. After the parties closed at trial, the Court found the evidence insufficient as a matter of law to support an award of punitive damages under the facts of this case. *See Kolstad v. American Dental Ass'n*, 527 U.S. 526, 535 (1999) (setting out the standard for an award of punitive damages under Title VII). Accordingly,

the Court exercised its discretion not to submit the issue to the jury. *See EEOC v. Manville Sales Corp.*, 27 F.3d 1089, 1096 (5th Cir. 1994), *cert. denied*, 513 U.S. 1090 (1995). Plaintiff's motion for new trial is **DENIED**.

SO ORDERED.

DATED: June 12, 2006.


BAREFOOT SANDERS, SENIOR JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS