

2000 WL 489609 (N.D.Ind.)
United States District Court, N.D. Indiana, South Bend Division.
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff
v.
SWP, INC., Defendant

No. 3:98-CV-562RM. | Mar. 17, 2000.

Attorneys and Law Firms

Michelle Eisele, JoAnn Farnsworth, Laurie A. Young, and Michelle E. Smith, Indianapolis, Ind., for plaintiff.

Robert T. Sanders, III, and David G. Thomas (Daniels Sanders Pianowski Hamilton and Todd), Elkhart, Ind., for defendant.

Opinion

ROBERT L. MILLER, Jr., District Judge

*1 The defendant requests that the court reduce the award of punitive damages entered in this case on March 2, 2000 on behalf of Cheryl Minnick so that the aggregate sum of punitive and compensatory damages conforms with the provisions of 42 U.S.C. §1981a(b)(3).\$ SDP1=On March 2, the jury awarded \$25,000 compensatory damages and \$50,000 punitive damages on behalf of Cheryl Minnick. Before the trial, the parties stipulated that SWP, Inc. employed more than 15 and less than 50 employees at its facility. Section 1981 a(b)(3)(A) provides that for employers of this size, “[t]he sum of the amount of compensatory damages awarded . . . for future pecuniary losses, emotional pain, suffering inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, and the amount of punitive damages awarded under this section, shall not exceed, for each complaining party, . . . \$50,000. . . .”

Accordingly, the court GRANTS the defendant’s motion to conform damage award with 42 U.S.C. §1981a(b)(3) [Docket No. 78]; and DIRECTS the clerk to enter judgment for the plaintiff on behalf of Cheryl Minnick and against the defendant in the aggregate sum of \$50,000, consisting of compensatory damages in the sum of \$25,000 and punitive damages in the sum of \$25,000,¹ and for the plaintiff and against the defendant in the aggregate sum of \$165,000.

SO ORDERED.

Parallel Citations

82 Fair Empl.Prac.Cas. (BNA) 930

Footnotes

¹ See *Williams v. Pharmacia Opthamalics, Inc.*, 926 F.Supp. 791 [71 FEP Cases 628] (N.D. Ind. 1996) (“Compensation is the primary purpose of the new remedies provided by the 1991 Act, and the jury’s award should be applied first for that purpose.”).