

United States Court of Appeals
Fifth Circuit

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

FILED
March 23, 2012

Lyle W. Cayce
Clerk

No. 09-30558

D.C. Docket No. 2:03-CV-2742
D.C. Docket No. 2:05-CV-2668

DEW
(2)

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
2012 JUL 31 PM 1:37
LORETTA G. WHITE
CLERK

THOMAS D TURNER,

Plaintiff - Appellant

v.

KANSAS CITY SOUTHERN RAILWAY COMPANY,

Defendant - Appellee

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Plaintiff - Appellant

THOMAS D. TURNER

Intervenors - Appellants

v.

KANSAS CITY SOUTHERN RAILWAY COMPANY

Defendant - Appellee

Appeals from the United States District Court for the
Eastern District of Louisiana, New Orleans

Before DENNIS, OWEN, and SOUTHWICK,* Circuit Judges.

*Judge Southwick, concurs in the result only.

J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

It is ordered and adjudged that the judgment of the District Court is affirmed in part and reversed in part, and the cause is remanded to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that appellee pay to appellants the costs on appeal to be taxed by the Clerk of this Court.

OWEN, Circuit Judge, concurring in the judgment in part and dissenting in part.

ISSUED AS MANDATE: JUL 24 2012

A True Copy
Attest

Clerk, U.S. Court of Appeals, Fifth Circuit

By: 
Deputy

New Orleans, Louisiana

JUL 24 2012