

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EQUAL EMPLOYMENT OPPORTUNITY) Case No. 8:01CV494
COMMISSION,)
)
Plaintiff,)
)
v.) JUDGMENT
)
PROGRESS RAIL SERVICES an Alabama)
Corporation,)
)
Defendant.)

This action came before the Court for trial by jury. The issues have been tried and the jury has rendered its verdict.

IT IS ORDERED AND ADJUDGED that judgment is entered in favor of the Defendant, Progress Rail Services, and against the Plaintiff, Equal Employment Opportunity Commission, together with taxable costs of this action.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant's renewed motion for judgment as a matter of law, which was made at the time of trial, is granted for a directed verdict regarding willfulness. The motion regarding the claims of Arnulfo Mendoza is sustained and those claims are dismissed. The motion regarding the claims of Thomas Abbott for failure to transfer and to rehire is overruled. The claims of Joe Aguallo were not timely presented to the court and therefore will not be submitted to the jury

DATED this 17th day of October, 2003.

GARY D. MCFARLAND,
Clerk of Court

By: s/ Kathy M. Griess
Deputy Clerk