

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

BABU CHELLEN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 02-CV-0085-CVE-FHM
)	(Base File)
)	
JOHN PICKLE CO., INC. and)	
JOHN PICKLE, Jr.,)	
)	
Defendants.)	
)	
)	
EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	Case No. 02-CV-0979-CVE-FHM
)	(Consolidated)
v.)	
)	
JOHN PICKLE COMPANY, INC.,)	
)	
Defendant.)	

FINAL JUDGMENT

This Court, has conducted non-jury trials on all claims and defenses presented in the above-styled case, by the parties, the U.S. Equal Employment Opportunity Commission (“EEOC”), the Chellen Plaintiffs, and the Defendants, John Pickle Company, Inc. and John Pickle Jr. The proceedings have included a Phase I trial in September 2003 and a Phase II trial in March 2005. Findings of Fact and Conclusions of Law were issued by this Court following each phase of trial. *See Chellen and EEOC v. John Pickle Co.*, 344 F.Supp.2d 1278 (N.D.

Okla. 2004), and *Chellen and EEOC v. John Pickle Co.*, --F.Supp.2d--, 2006 WL 2456946 (N.D. Okla. August 22, 2006).

With this Judgment and Order, the Court incorporates all Findings of Fact and Conclusions of Law previously issued. (See Dkt. ## 151, 210) The Court having rendered its decision on all claims in favor of the EEOC and Chellen plaintiffs,

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that:

The EEOC and Chellen Plaintiffs have and recover a judgment from the Defendants: John Pickle Co., Inc. and John Pickle, Jr., jointly and severally, in the total amounts as listed herein below, and as specifically calculated for apportionment to each of the 52 individual plaintiffs in the summary calculation attached hereto as Appendix A. (Appendix A: Calculations of pay and prejudgment interest as performed by Dr. Burt Barnow, dated October 10, 2006)

a.	FLSA Lost Wages:	\$86,919.48
	Less Offsets Credited:	<u>\$25,396.72</u>
	Total FLSA Loss Less Offsets:	\$59,656.56
b.	FLSA liquidated damages:	\$59,656.56
c.	Title VII/§1981 (portion above FLSA) Unpaid Wages:	\$445,987.47
b.	Title VII/§1981 (and Civil Rights Act of 1991) Compensatory Damages for emotional harm	\$ 52,000
c.	Title VII/§1981 (and Civil Rights Act of 1991) Punitive Damages for malice or reckless indifference to federally protected rights	\$ 52,000
d.	Deceit/Fraud	
	Ten Months Promised Wages	\$390,000
	Out of Pocket Expenses	\$ 82,056

- e. False Imprisonment
(Intentional Infliction of Emotional Distress
Damages Subsumed here and under
Title VII/§1981/CRA 1991) \$ 52,000
- f. Total Non-FLSA Prejudgment Interest
(See Appendix A) \$128,446.21


TOTAL FLSA and NON-FLSA DAMAGES
w/ INTEREST: \$ 1,321,802.80

Prejudgment interest awarded shall be apportioned in the amounts specifically calculated for each of the 52 Chellen Plaintiffs as set forth in the summary calculation attached as *Appendix A*. Prejudgment interest was not calculated for FLSA loss of wages, in lieu of the Court's award of Liquidated Damages under the FLSA.

Apportionment of damages to the 52 Chellen Plaintiffs in specific amounts for each individual on each claim is set forth in Appendix A.

Application for costs shall be submitted by counsel pursuant to the Federal Rules of Civil Procedure.

DATED this 16th day of October, 2006.



 CLAIRE V. EAGAN, CHIEF JUDGE
 UNITED STATES DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:

/S/ Philip J. McGowan
Philip J. McGowan, OBA #5997
Linda Cole McGowan, OBA #5996
McGOWAN AND McGOWAN, P.L.L.C.
406 South Boulder Avenue, Suite 200
Tulsa, Oklahoma 74103
Tel No.(918) 599-9199
Fax: (918) 599-9189
attorneys@mcgowanlawyers.com
ATTORNEYS FOR DEFENDANTS

/S/ Robert A. Canino
Robert A. Canino
Regional Attorney, EEOC
Oklahoma State Bar No. 011782

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Dallas District Office
207 South Houston, 3rd Floor
Dallas, Texas 75202
Tel. No. (214) 253-2750
Fax No. (214) 253-2749
robert.canino@eeoc.gov

/S/ B. Kent Felty
Bill Kent Felty,
and Johnny C. Parker,
B. Kent Felty Law Office
7615 E. 63rd Street, Ste. 200
Tulsa, Oklahoma 74113
Tel. No. (918) 254-1414
Fax. No. (918) 254-1888
bkentfelty@aol.com

ATTORNEYS FOR
CHELLEN PLAINTIFFS