

FILED BY [Signature] D.C.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

03 2003 4:04 PM  
ROBERT R. DETROLIO  
CLERK, U.S. DIST. CT.  
W.D. OF TENN. MEMPHIS

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

Plaintiff,

Case No. 00-2916-MI

and

KEVIN ARMSTRONG,

Intervening Plaintiff,

vs.

NORTHWEST AIRLINES, INC.

Defendant.

**\*AMENDED ORDER ON JURY VERDICT**

This cause came on for jury trial on October 21, 2002; the EEOC was represented by counsel, Deidre Smith and Faye Williams and the intervening plaintiff, Kevin Armstrong, was represented by Joe Lee Wyatt. The defendant was represented by counsel, Herbert Gerson and Timothy Bland.

Jurors were selected and sworn and opening statements were presented by counsel. After listening to all the evidence, closing arguments, and the charge of the Court, the Jury began deliberations on October 25, 2002. After due deliberations, the Jury returned into open court and announced a verdict in favor of the intervening plaintiff, Kevin Armstrong. As to Element One (1), the jury found that Northwest Airlines regarded Mr. Armstrong as having a disability. As to Element Two (2), the jury found that Mr. Armstrong

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 8-20-03

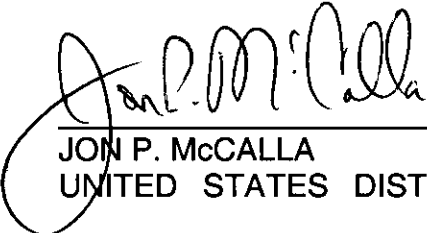
205

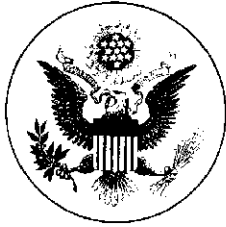
was a qualified individual able to perform the job requirements of the ESE position and that Mr. Armstrong did not pose a direct threat to himself or others. As to Element Three (3), the jury found that Mr. Armstrong suffered an adverse employment decision because of the perceived disability (that is, was not hired by Northwest Airlines in violation of Mr. Armstrong's federally protected rights under the American with Disabilities Act). \*Furthermore, the jury found that the Defendant's actions were not in malicious or reckless disregard of Mr. Armstrong's federally protected rights.

The jury also found that the Mr. Armstrong is entitled to back pay in the amount of Twenty Thousand Nine Hundred Sixty Seven Dollars and Fifteen Cents (\$20,967.15). Furthermore, the jury found that Mr. Armstrong suffered emotional pain and mental anguish as a result of the unlawful conduct of Northwest Airlines and awarded compensatory damages in the amount of Nineteen Thousand Two Hundred Fifty Dollars (\$19,250.00).

The jurors were polled individually and excused.

ENTERED, this the 19 day of August, 2003.

  
\_\_\_\_\_  
JON P. McCALLA  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 205 in case 2:00-CV-02916 was distributed by fax, mail, or direct printing on August 20, 2003 to the parties listed.

---

Katharine W. Kores  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
1407 Union Avenue  
Ste. 621  
Memphis, TN 38104

Terry L. Beck  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
1407 Union Avenue  
Ste. 621  
Memphis, TN 38104

Deidre Smith  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
1407 Union Avenue  
Ste. 621  
Memphis, TN 38104

Faye A. Williams  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
1407 Union Avenue  
Ste. 621  
Memphis, TN 38104

Herbert E. Gerson  
FORD & HARRISON, LLP  
6750 Poplar Avenue  
Ste. 600  
Memphis, TN 38138

Timothy S. Bland  
FORD & HARRISON, LLP  
6750 Poplar Avenue  
Ste. 600  
Memphis, TN 38138

Thomas J. Walsh  
FORD & HARRISON, LLP  
6750 Poplar Avenue  
Ste. 600  
Memphis, TN 38138

Joe L. Wyatt  
MCWHIRTER WYATT BRANNON & ELDER  
73 Union Ave.  
Memphis, TN 38103

James Allen  
U.S. Magistrate Judge  
167 N. Main St., Rm 341  
Memphis, TN 38103

Robert Di Trolio  
U.S. DISTRICT COURT  
Office of the Clerk  
167 N. Main Street  
Rm. 242 Federal Building  
Memphis, TN 38103

Honorable Jon McCalla  
US DISTRICT COURT