

and a reasonable time was given them in which to examine and present objections and requests outside the presence of the jury. Rulings were made upon all objections. The written charge included a series of written questions submitted to the jury under the court's instructions. The parties, through their respective attorneys of record, were permitted to argue the case to the jury on May 22, 1998. At the conclusion of the attorneys' arguments, the jury retired and on May 22, 1998, the jury returned its special verdict with answers to each of the questions submitted to them. The jury returned a verdict, favorable to the EEOC and Austen, and the Court now incorporates same herein for all purposes.

The jury answered in response to Question No. 1 as follows:

"Do you find, from a preponderance of the evidence, that the Cooper Institute discharged Karen Austen because she filed a sexual harassment complaint?"

ANSWER: "Yes"

The Court found and now finds that they jury's verdict is favorable to the EEOC and Austen.

The jury returned a verdict for compensatory damages in the amount of \$21,350.00. The jury also returned a verdict for punitive damages in the amount of \$800,000.00. The issue of equitable relief of back pay was left to the discretion of the Court. The EEOC and Austen made a written motion for entry of final judgment based upon the jury's verdict and the evidence presented at trial.

On October 27, 1998, the Court held a hearing in which attorneys for all parties were present. The Court heard argument from attorneys representing all the parties to this lawsuit regarding each element of damages, and Plaintiff and Intervenor's requests for reinstatement

and issuance of an injunction.

During the October 26, 1998 hearing, the Defendant was given the opportunity to present evidence regarding the number of employees, which were employed during the relevant time period for this lawsuit. After hearing argument from all counsel and based on the jury's verdict and evidence presented at trial and the hearing, the Court issued findings of facts and conclusions of law regarding each element of damages which are incorporated by reference herein. For the reasons set forth in detail at the close of the October 27, 1998 hearing, the Court denies the request of Plaintiff and Intervenor that Defendant reinstate Karen Austen and denies the request of Plaintiff and Intervenor that an injunction be entered against Defendant.

The Court now finds that the following damages shall be awarded to Austen:

1. Karen Austen is awarded \$15,098.15 for back pay.
2. Karen Austen is awarded \$21,350.00 for compensatory damages for mental anguish.
3. Karen Austen is awarded \$78,650.00 for punitive damages.
4. Karen Austen is awarded reasonable and necessary attorneys' fees in the amounts as follows for each of the attorneys.
 - A. Alice Barnett for 108.5 hours at a rate of \$185.00 per hour for a total of \$20,072.50.
 - B. Robert Wolin for 6.75 hours at a rate of \$250.00 per hour for a total of \$1,687.50
 - C. Andrew Trusevich for 60 hours at a rate of \$150.00 per hour for a total of \$9,000.00.
 - D. Wes Maness for 15 hours at a rate of \$150.00 per hour for a total of \$2,250.00.

Austen is also entitled to pre-judgment interest at the rate of 6.0% per annum from January 11, 1998, on her actual and compensatory damages (\$15,098.15 + \$21,350.00).

Austen is further entitled to post-judgment interest at the rate of 10% per annum on all damages awarded in this final judgment until paid. All costs of Court, as allowed in Title VII are taxed against the Defendant. Let execution issue.

ACCORDINGLY, IT IS ORDERED ADJUDGED AND DECREED that the foregoing findings and rulings constitute the **FINAL JUDGMENT** in this case.

SO ORDERED, October 30, 1998.



JANE J. BOYLE
UNITED STATES MAGISTRATE JUDGE