

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Case No. 10-cv-02365-LTB-BNB

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

v.

RADIOSHACK CORPORATION,

Defendant.

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**FINAL JUDGMENT**

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PURSUANT to and in accordance with Fed. R. Civ. P. 58(a) and the Orders and Jury Verdict entered during the course of proceedings in this case, the following FINAL JUDGMENT is hereby entered.

I. This matter was tried on September 10, 2012 through September 14, 2012, and September 17, 2012 through September 18, 2012, before a duly sworn jury of nine, Judge Lewis T. Babcock presiding. The trial proceeded to conclusion and the jury rendered its Verdict Form as follows:

**AGE DISCRIMINATION**

1. Did Defendant RadioShack terminate David Nelson because of his age?

\_\_\_\_\_ yes                        X   no

If you answered "yes" to Question 1 ' answer Question 2.  
If you answered "no" to Question 1 ' skip to Question 3.

2. Did Defendant RadioShack willfully violate the Age Discrimination in Employment Act by terminating David Nelson?

\_\_\_ yes                      \_\_\_ no

**RETALIATION**

3. Did Defendant RadioShack retaliate against David Nelson because he complained of age discrimination?

  X   yes                      \_\_\_ no

If you answered "yes" to Question 3 ' answer Question 4.  
If you answered "no" to Question 3 ' skip to Question 5.

4. Did Defendant RadioShack willfully violate the Age Discrimination in Employment Act by retaliating against David Nelson?

  X   yes                      \_\_\_ no

**DAMAGES**

If you answered "yes" to Question 1 and/or Question 3 ' answer Questions 5 and 6.

If you answered "no" to Question 1 and 3 ' you have completed your verdict

5. Did David Nelson fail to make reasonable efforts to mitigate his damages?

  X   yes                      \_\_\_ no

6. What amount of money will compensate David Nelson for lost wages and benefits caused by RadioShack's discrimination and/or retaliation? If you answered "yes" to Question 5, you should adjust this amount by deducting the income you believe Mr. Nelson would have made had he properly mitigated his damages.

\$   187,706   + "life time" discount card

II. PURSUANT to and in accordance with the Order entered by the Honorable Lewis T. Babcock on December 6, 2012, incorporated herein by reference, it is

ORDERED that EEOC's Motion for Equitable Relief is GRANTED in part and DENIED in part.

III. PURSUANT to and in accordance with the Order entered by the Honorable Lewis T. Babcock during the evidentiary hearing on February 27, 2013, incorporated herein by reference, it is

ORDERED that Mr. Nelson is entitled to the following award:

Back pay :	\$187,706.00
Liquidated Damages:	\$187,706.00
Tax Offset for Back pay:	\$47,946.00
Front Pay:	\$199,281.00
<u>Tax Offset for Front Pay:</u>	<u>\$53,711.00</u>
Total Award:	\$674,938.00

ACCORDINGLY, IT IS ORDERED that, pursuant to Fed. R. Civ. P. 58(a), final judgment is hereby entered in favor of Plaintiff, Equal Employment Opportunity Commission, and against Defendant, RadioShack Corporation, on the total award of \$674,938.00. It is

FURTHER ORDERED that post-judgment interest shall accrue at the legal rate of 0.18%, as calculated pursuant to 28 U.S.C. § 1961, from the date of the jury's verdict. It is

FURTHER ORDERED that Plaintiff, Equal Employment Opportunity Commission shall have its costs by the filing of a Bill of Costs with the Clerk of this Court within fourteen days of the entry of judgment, pursuant to Fed. R. Civ. P. 58(a) and D.C.COLO.LCivR 54.1.

DATED at Denver, Colorado this   1<sup>st</sup>   day of March, 2013.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

By: s/ Edward P. Butler

Edward P. Butler,  
Deputy Clerk

APPROVED:

  s/Lewis T. Babcock    
Lewis T. Babcock  
Senior United States District Judge