

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

JACQUELINE WEATHERLY, )  
CYNTHIA WILLIAMS, and LYDIA )  
BURKHALTER, )

Plaintiffs, )

v. )

Civil Action No. 2:10CV192-WHA

ALABAMA STATE UNIVERSITY, )

(wo)

Defendant. )

**ORDER**

This cause is before the court on Oral Motions for Judgment as Matter of Law as to Plaintiffs Jacqueline Weatherly, Cynthia Williams, and Lydia Burkhalter, by Defendant, Alabama State University, in open court on the February 13, 2012, and Renewed Motions for Judgment as a Matter of Law by the Defendant in open court on February 15, 2012.

This case was tried before a jury in February 2012. Viewing the evidence, and inferences drawn from the evidence, in the light most favorable to the nonmoving parties, *Wideman v. Wal-Mart Stores, Inc.*, 141 F.3d 1453, 1454 (11th Cir.1998), the court concludes that the Motions and Renewed Motions for Judgment as a Matter of Law are due to be DENIED.

At the conclusion of the trial of this case, the Defendant orally requested that the damages cap applicable under Title VII be applied in this case. Pursuant to 42 U.S.C. § 1981a (b)(3)(D), the amount of compensatory damages for mental anguish shall not exceed, for each complaining party, \$300,000. The cap is therefore applied to the award of mental anguish damages to Jacqueline Weatherly by the jury. No other Plaintiff's mental anguish damages exceed the statutory cap, so the request is moot as to the other Plaintiffs in this case.

Accordingly, it is hereby ORDERED as follows:

1. The oral Motions and Renewed Motions for Judgment as a Matter of Law are DENIED.

2. The statutory cap of \$300,000 set forth in 42 U.S.C. § 1981a (b)(3)(D) is applied to the mental anguish damages of Jacqueline Weatherly.

Done this 23rd day of April, 2012.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE