

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

EARATON ADAMS,)
MYRON BARNES,)
FREDERICK CARTER,)
SIDNEY HEDGEMAN and)
CARLOS JOHNSON,)
)
Plaintiffs,)
)
v.)
)
AUSTAL U.S.A., L.L.C.,)
)
Defendant.)

CIVIL ACTION 08-00155-KD-N

ORDER

This action came before the Court for jury selection on August 30, 2011, and trial by jury beginning September 26, 2011 and ending October 5, 2011, with United States District Judge Kristi K. DuBose presiding.

On September 26, 2011, the jury was duly sworn and trial commenced. From September 26, 2011 through September 29, 2011, Plaintiffs Earaton Adams, Myron Barnes, Frederick Carter, Sidney Hedgeman and Carlos Johnson presented their case-in-chief.

Defendant Austal, U.S.A., L.L.C. (“Austal”) moved for judgment as a matter of law at the close of the Plaintiffs’ evidence on all claims. On the afternoon of September 29, 2011, the Court addressed Austal’s motion: that portion of the motion relating to the hostile work environment claims was denied, and the motion, as to the remaining claims, was taken under submission.

Plaintiffs rested in the morning on September 30, 2011. Subsequently, Austal began

presentation of its case-in-chief.

Austal concluded its case-in-chief and rested on October 3, 2011. Austal moved for judgment as a matter of law at the close of all of the evidence and the Court heard oral argument on same on the afternoon of October 3, 2011, and ruled on the record.

On the morning of October 4, 2011, the Court held a charge conference with counsel. Thereafter, the parties gave their closing arguments. The Court then charged the jury on the applicable law and the jury commenced their deliberations. At the end of the day on October 4, 2011, the jury recessed for the day.

On October 5, 2011, the jury having heard the evidence, the arguments of counsel, the charge of the Court and having considered the same upon their oaths, deliberated and returned the following verdicts (a copy of which is attached hereto):

Plaintiff Earaton Adams

I. Hostile Work Environment

Do you find for Earaton Adams or Austal USA on Adams' claim of hostile work environment?

No verdict

II. Failure to Promote

Do you find for Earaton Adams or Austal USA on Adams' claim of failure to promote?

Austal, USA

III. Damages

None

Plaintiff Myron Barnes

I. Hostile Work Environment

Do you find for Myron Barnes or Austal USA on Barnes' claim of hostile work environment?

No verdict

II. Failure to Promote

Do you find for Myron Barnes or Austal USA on Barnes' claim of failure to promote?

Austal, USA

III. Retaliation

Do you find for Myron Barnes or Austal USA on Barnes' claim of retaliation?

Austal, USA

IV. Damages

None

Plaintiff Frederick Carter

I. Hostile Work Environment

Do you find for Frederick Carter or Austal USA on Carter's claim of hostile work environment?

Austal, USA

II. Failure to Promote

Do you find for Frederick Carter or Austal USA on Carter's claim of failure to promote (Tom Bishop Warehouse Coordinator position in 2006)?

Austal, USA

Do you find for Frederick Carter or Austal USA on Carter's claim of failure to promote (Jerrod Bradford Warehouse Coordinator position in 2007)?

Austal, USA

III. Damages

None

Plaintiff Sidney Hedgeman

I. Hostile Work Environment

Do you find for Sidney Hedgeman or Austal USA on Hedgeman's claim of hostile work environment?

Austal, USA

II. Damages

None

Plaintiff Carlos Johnson

I. Hostile Work Environment

Do you find for Carlos Johnson or Austal USA on Johnson's claim of hostile work environment?

No verdict

II. Failure to Promote

Do you find for Carlos Johnson or Austal USA on Johnson's claim of failure to promote?

Austal, USA

III. Damages

None

DONE and ORDERED this the **14th** day of **October 2011**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE