

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

ANDREA ANDERSON

PLAINTIFF

VS.

CASE NO. 3:07CV00110 JMM

**FAMILY DOLLAR STORES
OF ARKANSAS, INC.**

DEFENDANT

ORDER

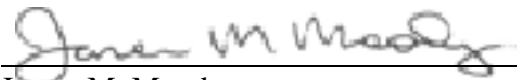
Pending before the Court is plaintiff's Rule 59 Motion to Reconsider and defendant's response. For the reasons stated below, the motion is denied (#30).

Plaintiff brought claims of sexual harassment in the form of a hostile work environment and *quid pro quo* harassment pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e and the Arkansas Civil Rights Act of 1993 ("ACRA"), and a pendent state claim for the tort of outrage against defendant based upon her termination by defendant's district manager Drew White. On August 11, the Court granted defendant's Motion for Summary Judgment and dismissed plaintiff's claims.

In dismissing her complaint, plaintiff contends that the Court failed to address her claim that she was terminated for failure to engage in an illegal act which she argues is a tort claim under Arkansas law. The Court has reviewed plaintiff's complaint and finds that she made no such claim. Moreover, if the claim were properly before the Court, plaintiff's testimony that she reported shortages in the cash register and discrepancies in accounting procedures to Drew White is insufficient evidence to establish that (1) defendant ever asked or instructed plaintiff to commit an illegal act; (2) defendant terminated plaintiff's employment because she refused to commit an illegal act; or (3) any illegal acts actually occurred. Finally, the Court notes that it was only after

she was terminated that plaintiff made contact with defendant's loss prevention office.

IT IS SO ORDERED THIS 4 day of September, 2008.

A handwritten signature in cursive script, reading "James M. Moody", written in black ink. The signature is positioned above a horizontal line.

James M. Moody
United States District Judge