

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

CATHY BURKHART,

Plaintiff,

vs.

AMERICAN RAILCAR  
INDUSTRIES, INC.,

Defendant.

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No. 3:09cv00081 SWW  
(Related Case: No. 3:07cv00199 SWW)

JUDGMENT

Pursuant to the Memorandum and Order entered in this matter on this date, it is Considered, Ordered, and Adjudged that the motion of American Railcar Industries, Inc. (ARI) for summary judgment as filed in Case No. 3:07cv00199 SWW on Cathy Burkhart’s (Burkhart) state law claims under the Arkansas Civil Rights Act of 1993 (“ACRA”), Ark. Code Ann. §§ 16-123-101 *et seq.*, and her state law tort of outrage claim be and it hereby is granted. The Court directs that within thirty (30) days of the date of entry of the Memorandum and Order, ARI reimburse Burkhart her state court filing fees incurred in refileing her ACRA and tort of outrage claims in state court and additionally directs that ARI reimburse Burkhart any appellate filing fees tendered to the United States Court of Appeals for the Eighth Circuit that are incurred as a result of an appeal of the Memorandum and Order and Judgment in this action.

IT IS SO ORDERED this 30<sup>th</sup> day of July 2009.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE