

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

DAVID HARRELL

PLAINTIFF

v.

No. 5:14-cv-214-DPM

GERALD ROBINSON, in his Individual and Official Capacity as the Sheriff of Jefferson County, Arkansas; LAFAYETTE WOODS, in his Individual and Official Capacity as a duly appointed Deputy Sheriff of Jefferson County, Arkansas; and STANLEY JAMES, in his Individual and Official Capacity as a duly appointed Deputy Sheriff of Jefferson County, Arkansas; and THE CITY OF HOT SPRINGS

DEFENDANTS

JUDGMENT

1. Before this case was transferred here, the United States District Court for the Western District of Arkansas dismissed David Harrell's Rehabilitation Act and state law defamation claims without prejudice. *No. 19 at 9-11*. That Court also granted summary judgment to the City of Hot Springs on all of Harrell's claims against it. *No. 55*.

2. After transfer, this Court dismissed Harrell's Arkansas Military Service Protection Act claim without prejudice and his Uniform Services Employment and Reemployment Rights Act claim with prejudice. The Court

also dismissed Harrell's Title VII, § 1983, and Arkansas Civil Rights Act retaliation claims with prejudice. *No 76 at 13.*

3. Harrell nonsuited his § 1983 and Arkansas Civil Rights Act race claims against Jefferson County, sheriff Gerald Robinson, deputy Lafayette Woods, and deputy Stanley James. Those claims are dismissed with prejudice because this was a second dismissal. *No 89, 90 & 100. FED. R. CIV. P. 41(a)(1)(B).*

4. David Harrell's Family and Medical Leave Act firing and decertification claims were tried to a twelve-person jury from 10 May 2016 to 13 May 2016. After deliberations, the jury returned four unanimous verdicts. They, *No 98*, are incorporated. The jury found in favor of Harrell and against Jefferson County on Harrell's FMLA firing claim against the County. But the jury found that Jefferson County proved that it would have fired Harrell even if he hadn't taken FMLA leave. The jury found for Jefferson County and against Harrell on his FMLA decertification claim. The jury found for sheriff Gerald Robinson and against Harrell on his FMLA decertification claim against Robinson. The jury found for deputy Lafayette Woods and against Harrell on his FMLA firing and FMLA decertification claims against Woods.

The jury found for David Harrell and against deputy Stanley James on his FMLA firing claim. But the jury found that James would have fired Harrell even if he hadn't taken FMLA leave. And the jury found for James and against Harrell on his FMLA decertification claim against James. *No 98*. Harrell requested that the Court poll the jury. It did. Each juror confirmed that all the verdicts were his or her true verdicts.

5. The Court therefore enters judgment against David Harrell and for the City of Hot Springs, for Jefferson County, for sheriff Gerald Robinson, for deputy Lafayette Woods, and for deputy Stanley James. Harrell's amended complaint, *No 20*, is dismissed with prejudice.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

25 May 2016