

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**PLAINTIFF**

**v.**

**CASE NO.: 2:11-CV-02153**

**OLD DOMINION FREIGHT LINE, INC.**

**DEFENDANT**

**ORDER AND FINAL JUDGMENT**

The Court previously entered judgment (Doc. 284) in favor of Plaintiff Equal Employment Opportunity Commission (“EEOC”) in the amount of \$119,612.97 for its claim brought on behalf of Mr. Charles Grams (“Grams”). This award was made pursuant to a jury verdict returned on January 15, 2014 (Doc. 281). The parties then filed the following post-trial motions, responses, and supporting documents:

(1) the EEOC’s Motion for Reinstatement or Front Pay, Injunctive Relief, and Prejudgment Interest (Doc. 290) and brief in support (Doc. 291); Old Dominion Freight Line, Inc.’s (“Old Dominion”) Response in Opposition (Doc. 307); and the EEOC’s Reply (Doc. 316);

(2) Old Dominion’s Renewed Motion for Judgment as a Matter of Law Pursuant to Rule 50 (Doc. 288) and brief in support (Doc. 289); the EEOC’s Response in Opposition (Doc. 301) and brief in support (Doc. 302); and Old Dominion’s Reply (Doc. 314);

(3) Old Dominion’s Motion for a New Trial Pursuant to Rule 59(a) (Doc. 294) and brief in support (Doc. 296); the EEOC’s Response in Opposition (Doc. 308) and brief in support (Doc. 309); and Old Dominion’s Reply (Doc. 315);

(4) Old Dominion's Motion for Remittur (Doc. 292) and brief in support (Doc. 293); the EEOC's Response in Opposition (Doc. 305); and Old Dominion's Reply (Doc. 313); and

(5) the EEOC's Bill of Costs (Doc. 286), Old Dominion's Objections (Doc. 297), and the EEOC's Response (Doc. 303) and brief in support (Doc. 304).

For the reasons set forth in the Court's Memorandum Opinion accompanying this Order, the Court **FINDS AND ORDERS** as follows:

(1) The EEOC's Motion for Reinstatement or Front Pay, Injunctive Relief, and Prejudgment Interest (Doc. 290) is **GRANTED**. Charles Grams is ordered **REINSTATED** as a commercial truck driver for Old Dominion, with full salary and benefits, with such reinstatement to occur **within 30 days** of the file date of this Order. Grams will not be required to complete the SAP's 2009 recommended treatment program as a condition of reinstatement. In light of the Court's decision, the EEOC's alternate request for an award of front pay is **MOOT**.

The Court **FURTHER ORDERS** that Old Dominion's self-reporting Policy, as discussed in detail in Part I of the Memorandum Opinion, violates the ADA and is **PERMANENTLY ENJOINED**. The Court declines to order the other injunctive relief requested by the EEOC in its briefing. See Doc. 291, pp. 18-21.

**IT IS FURTHER ORDERED** that prejudgment interest on the jury's award of back pay to Grams—calculated at a rate of .28% from July 27, 2009 to January 16, 2015—is awarded in the sum **\$1,834.24**.

(2) Old Dominion's Renewed Motion for Judgment as a Matter of Law Pursuant to Rule 50 (Doc. 288) is **DENIED**.

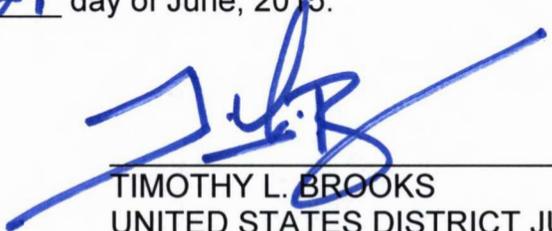
(3) Old Dominion's Motion for a New Trial Pursuant to Rule 59(a) (Doc. 294) is **DENIED**.

(4) Old Dominion's Motion for Remittur (Doc. 292) is **DENIED**.

(5) The EEOC's request for costs as itemized in its amended Bill of Costs (Doc. 304-2) is **GRANTED** in the total amount of **\$5,438.16**. This total does not include the EEOC's request for \$140.60 for process-server fees, which the Court determined were not taxable.

As all outstanding post-trial issues have now been resolved, this Order shall also constitute **FINAL JUDGMENT** of all contested matters in this lawsuit.

IT IS SO ORDERED this 24<sup>th</sup> day of June, 2015.



TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE