

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

KELLI POWELL

PLAINTIFF

v.

Civil No. 08-3042

NORTH ARKANSAS COLLEGE

DEFENDANT

J U D G M E N T

On the 14th day of May, 2009, the captioned case came on for trial. Both parties appeared, and were represented by counsel. A jury of twelve was empaneled; heard opening statements, the testimony of witnesses, and closing arguments; reviewed documentary evidence; and was instructed according to the law. The jury then retired to deliberate, and on May 15th, 2009, returned a Verdict into open court as follows:

INTERROGATORY 1: Do you find from the preponderance of the evidence that North Arkansas College retaliated against Kelli Powell for use of Family and Medical Leave by not offering her an employment contract for the 2007-2008 school year?

ANSWER: Yes.

INTERROGATORY 2: Do you find from the preponderance of the evidence that North Arkansas College would have decided not to offer Kelli Powell an employment contract for the 2007-2008 school year regardless of her exercise of rights under the Family and Medical Leave Act?

ANSWER: No.

INTERROGATORY 3: State the amount of damages which you find from the preponderance of the evidence should be awarded to Kelli Powell as a result of retaliation by North Arkansas College:

ANSWER: \$94,873.

INTERROGATORY 4: Do you find from the preponderance of the evidence that North Arkansas College reasonably believed that its actions complied with the Family and Medical Leave Act when it decided not to offer Kelli Powell an employment contract for the 2007-2008 school year?

ANSWER: No.

Based on the Answers to Interrogatories in the Verdict, the Court finds that plaintiff is entitled to an award of back pay in the amount of \$94,873.00.

Pursuant to **29 U.S.C. § 2617**, plaintiff is also entitled to an award of prejudgment interest on the award of back pay. The parties agree that the correct computation of this amount -- using the applicable federal interest rate for each month of back pay -- is \$2,496.07.

Plaintiff is also entitled, under **29 U.S.C. § 2617**, to an additional award of liquidated damages, equal to the sum of back pay and prejudgment interest on back pay, in the sum of

\$97,369.07.

IT IS THEREFORE ORDERED that plaintiff have judgment against defendant in the sum of One Hundred Ninety-Four Thousand Seven Hundred Thirty-Eight and 14/100 Dollars (\$194,738.14), with interest thereon at the rate of .47% per annum, from the date of this Judgment until paid, for all of which execution may issue.

IT IS SO ORDERED, this 27th day of May, 2009.

 /s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE