

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

RETHA WEEMS

PLAINTIFF

v.

Case No. 08-5156

TYSON FOODS, INC.

DEFENDANT

AMENDED & SUBSTITUTED JUDGMENT

Plaintiff's case for gender discrimination brought under 42 U.S.C. §2000e-2 and Ark. Code Ann. §§16-123-101, *et seq.* (Supp. 2009) was called for trial on 22 February 2010.

Plaintiff appeared and was represented by Stephen Lee Wood. Defendant appeared by Wayland R. Bowsher, the Complex Manager for Defendant's processing facility in Noel, Missouri, and was represented by Scotty Shively and Susan Keller Kendall.

A jury of 12 members was empaneled and sworn.

Witnesses were sworn, testimony was given, exhibits were received into evidence, the jury was instructed on the law applicable to this case, and counsel made their arguments to the jury.

After due deliberation, the jury returned the following Verdict on 26 February 2010 which the Court found to be in regular form:

INTERROGATORY NO. 1

On the sex discrimination claim of plaintiff concerning



its answer to Interrogatory No. 3.]

INTERROGATORY NO. 5

A. We find the plaintiff's lost wages and benefits through the date of this verdict to be:

\$ 108,994 (Stating the amount or, if none, write the word "none").

B. We find the plaintiff's other damages, excluding lost wages and benefits, to be:

\$ 1.00 (stating the amount, or, if you find that the plaintiff's damages do not have a monetary value, write in the nominal amount of One Dollar (\$1.00).

C. With respect to the plaintiff's demotion from Noel Plant Manger, has it been proved that the defendant acted with malice or reckless indifference to the plaintiff's right not to be discriminated against on the basis of her sex?

YES  X

NO \_\_\_\_\_

D. [The jury did not answer this sub-part because of its answer to Interrogatory No. 3.]

E. We assess punitive damages against the defendant as follows:

\$ 650,000

26 Feb 07  
Date

/s/ (signature redacted)  
(Signature of Foreperson)

1. Defendant asked that the jury be polled after its Verdict was returned. Each juror was questioned whether the Verdict, as announced by the Court, was the juror's verdict. All jurors answered in the affirmative.

2. The total award of non-economic compensatory damages and punitive damages found by the jury is \$650,001.00.

In light of the provisions of 42 U.S.C. §2000e-7, 42 U.S.C. 1981a, and Ark. Code Ann. §16-123-107 (Supp. 2007), the Court deems it necessary and appropriate to reduce that award to \$600,000.00 and to apportion the reduced award of these damages between Plaintiff's two claims, as follows:

\* \$300,000.00 to the claim brought under 42 U.S.C. §2000e-2;  
and

\* \$300,000.00 to the claim brought under Ark. Code Ann. §16-123-101, *et. seq.* (Supp. 2009).

**IT IS, THEREFORE** considered, ordered, and adjudged:

1. That the jury's verdict is amended by reducing the award of non-economic compensatory damages and punitive damages by \$50,001.00 and, as so amended, is accepted;

2. That Plaintiff is awarded Judgment against Defendant as follows:

\* for \$108,994.00, for lost wages and benefits;

\* for \$300,000.00, for non-economic compensatory damages and punitive damages on Plaintiff's claim under 42 U.S.C. §2000e-2;

\* for \$300,000.00, for non-economic compensatory damages and punitive damages under Plaintiff's claim under Ark. Code Ann. §16-123-101, *et. seq.* (Supp 2009);

\* for pre-judgment interest on \$108,994.00, computed at the rate of six percent (6%) per annum from July 10, 2008<sup>1</sup> (the date Plaintiff's Complaint was filed), up to the date this Judgment is entered; and

\* for post-judgment interest on the foregoing total judgment amounts and interest, computed at the annual rate of .43% per annum from the date this Judgment is entered until such time as it is paid in full.

**IT IS FURTHER ORDERED** that execution may issue forthwith.

**IT IS SO ORDERED this 8th day of April, 2010.**

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

---

1

This Amended and Substituted Judgment is entered to correct this date from July 10, 2009.