

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Case No. 10-cv-01328-LTB-MJW

STEPHANIE SALAZAR,

Plaintiff,

v.

CITY OF COMMERCE CITY,
GERALD M. FLANNERY, in his individual capacity, and
TOM ACRE, in his individual capacity,

Defendants.

FINAL JUDGMENT

PURSUANT to and in accordance with Fed. R. Civ. P. 58(a) and the Orders and Jury Verdict entered during the course of proceedings in this case, the following FINAL JUDGMENT is hereby entered.

I. PURSUANT to and in accordance with the Order entered by the Honorable Lewis T. Babcock on May 1, 2012, incorporated herein by reference, it is

ORDERED that the Court DENIES Defendants' Motion & Brief in Support of Summary Judgment as to Plaintiff's Title VII Claim for Retaliation against the City. It is

FURTHER ORDERED that the Court DENIES the motion as to Plaintiff's §1981 Claim for Retaliation against the City, and Defendants Gerald M. Flannery and Tom Acre, in their individual capacities. It is

FURTHER ORDERED that the Court GRANTS the motion as to Plaintiff's remaining claims and, as such, enters summary judgment in favor of Defendants and against Plaintiff on those claims. It is

FURTHER ORDERED that Defendants Paul Natale and Heather Olson (Spenser) are DISMISSED as parties in this case as no claims remain pending against them.

II. PURSUANT to and in accordance with the Order entered by the Honorable Lewis T. Babcock on August 27, 2012, incorporated herein by reference, it is

ORDERED that Defendants' Oral Rule 50 Motions for Judgment as a Matter of Law are GRANTED with regard to punitive damages.

III. This matter was tried on August 20, 2012 through August 24, 2012, and August 27, 2012 through August 30, 2012, before a duly sworn jury of eight, Judge Lewis T. Babcock presiding. The trial proceeded to conclusion and the jury rendered its Verdict Forms as follows:

We, the jury, present our answers, by a preponderance of the evidence, to the following questions submitted by the Court, as to the claims asserted against Defendant City of Commerce City, to which we have all agreed:

1. That Plaintiff Stephanie Salazar opposed discrimination based on her good faith belief of gender and/or race discrimination by filing responses and/or complaints?

Answer Yes or No Yes

2. That Plaintiff Stephanie Salazar was discharged from her employment by Defendant City of Commerce City:

Answer Yes or No Yes

3. That Defendant City of Commerce City discharged Plaintiff Stephanie Salazar from her employment because she opposed discrimination based on gender and/or race in that her opposition to discrimination based on gender and/or race was the determinative factor that caused Defendant City of Commerce City to terminate her employment?

Answer Yes or No No

4. That Plaintiff Stephanie Salazar should be awarded damages to compensate for emotional pain and mental anguish?

Answer Yes or No No

If your answer is Yes, in what amount? \$_____

We, the jury, present our answers, by a preponderance of the evidence, to the following questions submitted by the Court, as to the claim asserted against Defendant Gerald M. Flannery, to which we have all agreed:

1. That Plaintiff Stephanie Salazar opposed discrimination based on her good faith belief of gender and/or race discrimination by filing responses and/or complaints?

Answer Yes or No Yes

2. That Plaintiff Stephanie Salazar was discharged from her employment by Defendant Gerald M. Flannery:

Answer Yes or No Yes

3. That Defendant Gerald M. Flannery discharged Plaintiff Stephanie Salazar from her employment because she opposed discrimination based on gender and/or race in that her opposition to discrimination based on gender and/or race was the determinative factor that caused Defendant Gerald M. Flannery to terminate her employment?

Answer Yes or No No

4. That Plaintiff Stephanie Salazar should be awarded damages from Gerald M. Flannery to compensate for emotional pain and mental anguish?

Answer Yes or No No

If your answer is Yes, in what amount? \$_____

We, the jury, present our answers, by a preponderance of the evidence, to the following questions submitted by the Court, as to the claim asserted against Defendant Tom Acre, to which we have all agreed:

1. That Plaintiff Stephanie Salazar opposed discrimination based on her good faith belief of gender and/or race discrimination by filing responses and/or complaints?

Answer Yes or No Yes

2. That Plaintiff Stephanie Salazar was discharged from her employment by Defendant Tom Acre:

Answer Yes or No Yes

3. That Defendant Tom Acre discharged Plaintiff Stephanie Salazar from her employment because she opposed discrimination on gender and/or race in that her opposition to discrimination based on gender and/or race was the determinative factor that caused Defendant Tom Acre to terminate her employment?

Answer Yes or No No

4. That Plaintiff Stephanie Salazar should be awarded damages from Tom Acre to compensate for emotional pain and mental anguish?

Answer Yes or No No

If your answer is Yes, in what amount? \$_____

ACCORDINGLY, IT IS ORDERED that, pursuant to Fed. R. Civ. P. 58(a), final judgment is hereby entered in favor of Defendants, City of Commerce City, Gerald M. Flannery, and Tom Acre, and against Plaintiff, Stephanie Salazar. It is

FURTHER ORDERED that plaintiff's Second Amended Complaint and this civil action are DISMISSED WITH PREJUDICE. It is

FURTHER ORDERED that Defendants, City of Commerce City, Gerald M. Flannery, and Tom Acre shall have their costs by the filing of a Bill of Costs with the

Clerk of this Court within fourteen days of the entry of judgment.

DATED at Denver, Colorado this 5th day of September, 2012.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

s/ Edward P. Butler
Edward P. Butler,
Deputy Clerk