

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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JOHN WELCH,

Plaintiff,

- against -

JUDGMENT
CV-09-4400 (ADS)(WDW)

UNITED PARCEL SERVICE INC., d/b/a UPS,

Defendant.

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A Jury Trial having been conducted and a verdict rendered on September 23, 2011 finding that: (1) Plaintiff did not prove that he was an individual with a “disability” within the meaning of the Americans With Disabilities Act; (2) Plaintiff did prove that he was an individual with a “disability” within the meaning of the New York State Human Rights Law and the New York City Human Rights Law (“NYCHRL”); (3) Plaintiff did prove that he was a “qualified individual” within the meaning of the terms as instructed by the Court; (4) Defendant United Parcel Service (“UPS”) failed to accommodate him with regard to his disability and required him to work in a significantly more difficult work area which would adversely affect his physical conditions; but that (5) UPS proved by a preponderance of the evidence that it made a good faith effort to identify and provide the Plaintiff with a reasonable accommodation that would allow him to work within restrictions; and that (6) Plaintiff proved that the Defendant required him to work in a significantly more difficult work area which would adversely affect his physical conditions, after he sent a letter to Kevin DiLibero (“DiLibero”) at UPS, had a letter sent to DiLibero by his attorney, and filed his EEOC complaint; and that (7) Plaintiff proved that there was a causal connection between the letters sent to DiLibero and the filing of the EEOC complaint and the requirements to work in significantly more difficult work areas; and thus (8) awarding Plaintiff \$200,000 in compensatory damages and no punitive damages; and a Memorandum of Decision and Order of Honorable Arthur D. Spatt, United States District Judge,

having been filed on June 30, 2012, granting Defendant's renewed motion for judgment as a matter of law as to the NYCHRL claims, denying Defendant's renewed motion for judgment as a matter of law as to all other claims, denying Defendant's motion for a new trial, denying Defendant's request for a remittitur as to damages, denying Plaintiff's request for a new trial, denying Plaintiff's request for attorneys' fees and costs, and directing the Clerk of Court to close this case upon entry of judgment, it is

ORDERED AND ADJUDGED that Plaintiff is awarded \$200,000 in compensatory damages and no punitive damages; that Defendant's renewed motion for judgment as a matter of law as to the NYCHRL claims is granted; that Defendant's renewed motion for judgment as a matter of law as to all other claims is denied; that Defendant's motion for a new trial is denied; that Defendant's request for a remittitur as to damages is denied; that Plaintiff's request for a new trial is denied; that Plaintiff's request for attorneys' fees and costs is denied; and that this case is hereby closed.

Dated: Central Islip, New York
July 3, 2012

DOUGLAS C. PALMER
CLERK OF THE COURT

By: /s/ Catherine Vukovich
Deputy Clerk