

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-cv-242-MOC**

D. LANE BAUCOM, JR.,

Plaintiff,

v.

DoALL COMPANY, an Illinois
corporation,

Defendant.

ORDER

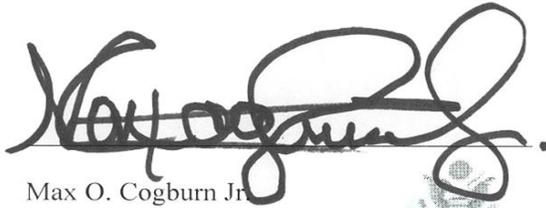
THIS MATTER is before the Court on its own motion following a remand to this Court. The Fourth Circuit Court of Appeals vacated and remanded the action to this Court after finding that the jury failed to follow the Court's instructions regarding damages. The jury awarded Plaintiff \$258,444.01 in damages. The Fourth Circuit found that this damages award should be reduced by \$5,200 to reflect that Plaintiff had earned that amount in alternate employment. The Fourth Circuit gave Plaintiff the option of accepting the reduced damages award or being granted a new trial.

Plaintiff has since filed a Notice of Acceptance of Remittitur, stating that he accepts the remittitur ordered by the appellate court such that the damages awarded by the jury will be reduced by the sum of \$5,200, as if the jury had awarded damages in the amount of \$253,244.01 for the judgment originally entered upon the jury's verdict.

Given that the judgment is being amended, Plaintiff shall, within 20 days of this Order, submit a revised proposed judgment amount, reflecting any adjustments in interest to be paid in

light of the new damages award. Defendant shall have 10 days to file a response to the proposed amended judgment amount.¹

Signed: February 17, 2021



Max O. Cogburn Jr.
United States District Judge

¹ The Court notes, however, that the Court has already ruled in favor of Plaintiff as to correct percentages to be applied to interest, as well as the proper costs, and the parties may not revisit these issues.