

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

CYNTHIA HUFFMAN, WILLA BURKE,)
VIRGINIA KING, and EQUAL)
EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiffs,)

vs.)

Case No. 01-3144-CV-S-ODS-ECF

NEW PRIME, INC. d/b/a PRIME, INC.;)
ABEL LORMAND, and SAMUEL)
TURNER,)

Defendants.)

AMENDED ORDER ENTERING FINAL JUDGMENT WITH RESPECT TO PLAINTIFF
HUFFMAN'S CLAIMS AND THE EEOC'S CLAIMS RELATED THERETO,
PLAINTIFF BURKE'S CLAIMS AND THE EEOC'S CLAIMS RELATED THERETO,
AND PLAINTIFF VIRGINIA KING'S CLAIM OF CONSTRUCTIVE
DISCHARGE AND THE EEOC'S CLAIM RELATED THERETO

Plaintiffs filed a multi-count Amended Complaint. On September 19, 2003, the jury returned a verdict in favor of Plaintiffs Cynthia Huffman ("Huffman") and the EEOC against New Prime, Inc. ("Prime") on the claim of sexual harassment and a verdict in favor of Huffman and against Defendant Abel Lormand ("Lormand") on her claim of battery. The jury also returned verdicts in favor of Prime with regard to all the claims asserted by Plaintiff Virginia King ("King") and Plaintiff Willa Burke ("Burke") and the EEOC's claims related thereto. The jury returned a verdict in favor of Defendant Samuel Turner with regard to Burke's claims of assault and battery. However, on December 17, 2003, the Court granted King and the EEOC's Motions for New Trial with regard to King's claim of sexual harassment and against Prime.

When multiple claims for relief are presented in a single action, Rule 54(b) of the Federal Rules of Civil Procedure permits "entry of a final judgment as to one or more but

fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment.” Fed. R. Civ. P. 54(b). Given that (1) all claims, with the exception of King’s and the EEOC’s claims of sexual harassment against Prime, have been resolved by this Court, and (2) the remaining claim is factually distinct from those claims that have been resolved, the Court sees no just reason for delaying entry of final judgment.

Accordingly, a final judgment will be issued as follows:

- (1) in favor of Plaintiffs Huffman and the EEOC and against Defendant Prime on the claim of sexual harassment;
- (2) in favor of Plaintiff Huffman and against Defendant Lormand on her claim of battery;
- (3) in favor of Defendant Lormand and against Plaintiff Huffman on her claim of assault;
- (4) in favor of Defendant Prime and against Plaintiffs Burke and the EEOC on the claims of constructive discharge and sexual harassment;
- (5) in favor of Defendant Turner and against Plaintiff Burke on her claims of assault and battery;
- (6) in favor of Defendant Prime and against Plaintiffs King and the EEOC on the claim of constructive discharge; and
- (7) in favor of Plaintiff EEOC with respect its equitable relief requests of affirmative relief for Plaintiff Huffman, the posting of notices and sexual harassment training.

IT IS SO ORDERED.

DATE: January 23, 2004

/s/ Ortrie D. Smith
ORTRIE D. SMITH, JUDGE
UNITED STATES DISTRICT COURT