

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
Plaintiff**

v.

**BOH BROTHERS CONSTRUCTION
COMPANY, LLC
Defendant**

**CIVIL ACTION NO.
09-6460**

**SECTION B
JUDGE LEMELLE**

MAG. 2 (WILKINSON)

CONSENT JUDGMENT

WHEREAS, the jury in this matter rendered a verdict awarding, *inter alia*, \$200,000 in non-pecuniary compensatory damages (“compensatory damages award”) to the Charging Party, Kerry Woods (“Woods”);

WHEREAS, this Court reduced the compensatory damages award to \$50,000, in light of the jury’s punitive damages award of \$250,000, and in light of the statutory limit under 42 U.S.C. § 1981a of \$300,000 for the total of non-pecuniary compensatory damages and punitive damages;

WHEREAS, the *en banc* Fifth Circuit Court of Appeals vacated the punitive damages award and remanded this matter to the Court to determine the appropriate amount of compensatory damages due to Woods (*see EEOC v. Boh Bros. Const. Co., L.L.C.*, 731 F.3d 444, 469 (5th Cir. 2013));

WHEREAS, the parties in this matter, Plaintiff, the United States Equal Employment Opportunity Commission (“EEOC” or “Commission”) and Defendant, Boh Bros. Construction Company, LLC (“Defendant”), have agreed on the terms of this Consent Judgment in order to set the appropriate amount of compensatory damages to be paid to Woods; and

WHEREAS, in light of the parties’ aforementioned agreement concerning the appropriate amount of compensatory damages for Woods, the EEOC hereby waives the jury award of \$1,000 in back pay;

IT IS ORDERED, ADJUDGED, AND DECREED as follows:

1. The quantum of non-pecuniary compensatory damages, as determined by this Consent Judgment, is \$125,000. Defendant shall deliver to Woods a cashier’s check, drawn on a bank in the United States, payable to Kerry Woods, in the amount of \$125,000 (“payment on the judgment”), to the following address: **Kerry Woods, 104 Leeds Place, Hattiesburg, MS 39402**. Defendant shall deliver the payment on the judgment to Woods by trackable express delivery, such as FedEx, UPS, DHL, U.S. Priority mail, or a substantially equivalent method, such that Woods receives it within 14 days of the entry of this Judgment. Defendant shall withhold no taxes, and make no deductions, from the \$125,000 payment on the judgment.
2. This Court shall retain jurisdiction over this matter to enforce this Judgment.
3. There shall be no appeal from this Judgment.
4. Defendant shall timely issue to Woods, at the address specified above, an IRS Form 1099 for the \$125,000 payment on judgment.
5. Defendant shall provide to counsel for the EEOC, within seven days of delivery to Woods, copies (a) of the payment on the judgment and (b) of the Form 1099, along with

documentation which shows that delivery to Woods was timely made, and all other documentation which Defendant sends to Woods with the aforementioned items.

IT IS SO ORDERED, New Orleans, Louisiana, this _____ day of _____,
2014.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

FOR PLAINTIFF:

P. DAVID LOPEZ

General Counsel
No Bar Roll Number Assigned

JAMES L. LEE

Deputy General Counsel
No Bar Roll Number Assigned

GWENDOLYN YOUNG REAMS

Associate General Counsel
No Bar Roll Number Assigned

JIM SACHER

Regional Attorney
La. Bar Roll Number 14888
Equal Employment Opportunity Commission
Houston District Office
U.S. Equal Employment Opportunity Commission
1201 Louisiana St., 6th floor
Houston, Texas 77002
Direct Dial: (713) 651-4963

/s/ Gregory T. Juge

GREGORY T. JUGE (T.A.)

Supervisory Trial Attorney (Acting)
La. Bar Roll Number 20890
New Orleans Field Office
1555 Poydras Street, Suite 1900
New Orleans, LA 70112
Tel: (504) 595-2878 (Main Legal #)
(504) 595-2877 (Juge)
Fax: (504) 595-2886 or 589-6861

FOR DEFENDANT:

/s/ Walter W. Christy

Walter W. Christy
La. Bar Roll Number 04134
Coats | Rose
One Canal Place
365 Canal Street, Suite 800
New Orleans, Louisiana 70130
(504) 299-3070 Telephone
(504) 299-3071 Facsimile