

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JACK LOWE and)	
DENNIS REYNOLDS,)	Case No. 1:13-cv-02425-AT
)	
Plaintiffs,)	
v.)	
)	
ATLAS LOGISTICS GROUP)	
RETAIL SERVICES (ATLANTA),)	
LLC,)	
)	
Defendant.)	

MOTION FOR REMITTITUR BASED ON STATUTORY DAMAGES CAP

Defendant Atlas Logistics Group Retail Services, (Atlanta) LLC (“Atlas” or “Defendant”) hereby moves for remittitur of the jury verdict rendered in this case pursuant to the statutory damages cap applicable to Plaintiffs’ claims under the Genetic Information Non-Discrimination Act (“GINA”). In support of this Motion, Atlas states as follows:

I. THE DAMAGES CAP IN 42 U.S.C. § 1981a APPLIES TO PLAINTIFFS’ CLAIMS UNDER GINA.

The available damages for violations of GINA are set forth in 42 U.S.C. § 1981a. *See* 42 U.S.C. § 2000ff-6(a)(3). Under 42 U.S.C. § 1981a(b)(3), for employers with 500 employees or more in the current or preceding calendar year of the violation, the combined total of compensatory and punitive damages shall not exceed \$300,000 for each complaining party. GINA expressly provides that the

limitations set forth in 42 U.S.C. § 1981a(b)(3) apply to damages recoverable under GINA. *See* 42 U.S.C. § 2000ff-6(a)(3) (“The powers, remedies, and procedures provided in section 1981a of this title, including the limitations contained in subsection (b)(3) of such section 1981a, shall be powers, remedies, and procedures this chapter provides . . .”).

II. THE COURT IS REQUIRED TO REDUCE THE JURY VERDICT TO \$300,000 FOR EACH PLAINTIFF.

The jury returned a verdict for Plaintiffs for compensatory damages in the amount of \$250,000 for Jack Lowe and \$225,000 for Dennis Reynolds. (Doc. 115.) The jury also awarded punitive damages in favor of the Plaintiffs and against the Defendant in the amount of \$1.75 million. (*Id.*) The parties have stipulated that Atlas employed more than 500 employees during the prior and current calendar year of the GINA violations. (Doc. 71, p. 60.)

Pursuant to the limitations set forth in 42 U.S.C. § 1981a(b)(3), the jury verdict must be reduced to \$300,000 for each Plaintiff. *See Forsberg v. Pefanis*, 2009 U.S. Dist. LEXIS 114144, at *23 (N.D. Ga. Dec. 8, 2009) (granting the defendant’s motion for remittitur and reducing jury award of \$50,000 in compensatory damages and \$1,000,000 in punitive damages for plaintiff’s sexual harassment claim, as well as \$500,000 in compensatory damages and \$2,000,000 in punitive damages on plaintiffs’ retaliation claim under Title VII, to a total award of \$50,000 based on statutory cap); *Warren v. County Comm'n of Lawrence*

County, 826 F. Supp. 2d 1299, 1306 (N.D. Ala. 2011) (granting motion for remittitur and reducing jury's verdict awarding \$330,000 in compensatory damages for Title VII retaliation claim to \$100,000 based on the statutory cap).

For these reasons, Atlas respectfully requests that the Court grant its motion for remittitur and reduce the jury verdict to \$300,000 for each Plaintiff. A proposed order is attached hereto.

Respectfully submitted this 23rd day of June, 2015.

JACKSON LEWIS P.C.

/s/ Dion Y. Kohler

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CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2015, I electronically filed the foregoing
MOTION FOR REMITTITUR BASED ON STATUTORY DAMAGES CAP
with the Clerk of the Court using the CM/ECF System which will automatically
send notification of such filing to the following:

Benjamin Stark
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/s/ Dion Y. Kohler

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ORDER

Defendant's Motion for Remittitur Based on Statutory Damages Cap is hereby **GRANTED**. The jury verdict rendered on June 22, 2015 is hereby reduced to the amount of \$300,000 for Jack Lowe and \$300,000 for Dennis Reynolds.

SO ORDERED this ____ day of _____, 2015.

AMY TOTENBERG
UNITED STATES DISTRICT JUDGE