

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
ENTERED

FEB 17 2005

Michael N. Moby, Clerk of Court

EDUARDO MACIAS,

Plaintiff,

VS

AARON RENTS INC

and

WAYNE HOPPER

and

DAVE BUCK,

Defendant.

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CIVIL ACTION NO. H-03-5860

ORDER

Before the Court are the competing motions of the plaintiff and defendant regarding entry of a final judgment. A jury returned a verdict in the plaintiff's favor in the amount of \$250,000.00, finding that the defendant had intentionally discriminated against the plaintiff. As a result, the defendants have moved for a judgment as a matter of law, a new trial and for remittitur.

The Court is of the opinion that the jury award is consistent with the evidence of the earnings of the plaintiff, and is not, in any respect, out of line or exorbitant. In the Court's view, the evidence supports the jury's affirmative findings and the reasonable inferences that flow from its affirmative findings. In essence, the jury rejected the defendant's allegations of ineptness, lack of productivity, and poor relations with general managers. The jury's award and findings also reject the defendant's claim that the plaintiff failed to control the inventory at Store No. 20. Hence, judgment shall be entered in behalf of the plaintiff for \$250,000

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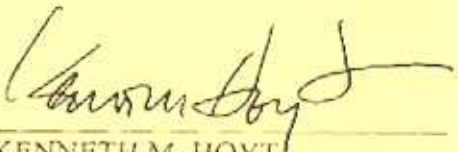
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damages, prejudgment interest from August 1, 2000, a reasonable attorneys fee, costs of court and post judgment interest.

It is ORDERED that plaintiff's counsel submit an affidavit on attorneys fees on or before February 22, and that the defendant respond on or before February 28. The defendant's motions are DENIED.

Signed this the 17th of February, 2005.



KENNETH M. HOYT
UNITED STATES DISTRICT JUDGE