

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-1703

Ronald Payton,

Appellee,

v.

Community Counseling Services, Inc.,

Appellant.

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Appeals from the United States
District Court for the Western
District of Arkansas.

No. 00-1831

[UNPUBLISHED]

Ronald Payton,

Appellant,

v.

Community Counseling Services, Inc.,

Appellee.

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Submitted: March 14, 2001

Filed: March 22, 2001

Before RICHARD S. ARNOLD and FAGG, Circuit Judges, and PERRY,* District Judge.

PER CURIAM.

Community Counseling Services, Inc. (CCS) terminated Ronald Payton's employment as a business manager after Payton was diagnosed with Parkinson's disease and depression. Payton brought this disability discrimination action against CCS, and a jury concluded CCS intentionally discriminated against Payton and awarded \$100,000 in compensatory damages. The district court** granted Payton's postverdict motion for equitable relief, awarding front pay instead of reinstatement based on the circumstances. The district court also granted Payton's request for attorney fees, but awarded only about two-thirds of the amount requested because Payton did not prevail on all claims and the amount sought for pre-complaint services and discovery was excessive. On appeal, CCS first argues there was insufficient evidence to support the verdict because Payton was not a qualified individual with a disability and could not perform essential job functions. Having carefully reviewed the record, we conclude the jury could reasonably find otherwise. CCS also asserts the district court committed error in refusing to allow CCS to impeach Payton with his earlier deposition testimony. The district court did not abuse its discretion in excluding the evidence as cumulative, and any error was harmless. With respect to the postverdict motion, CCS contends the district court should have awarded reinstatement rather than front pay, and in his cross-appeal, Payton contends the district court should have awarded the full amount of attorney fees requested. The district court applied the

*The Honorable Catherine D. Perry, United States District Judge for the Eastern District of Missouri, sitting by designation.

**The Honorable Robert T. Dawson, United States District Judge for the Western District of Arkansas.

controlling law to the facts of the case, and did not abuse its discretion. We thus affirm the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.