

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

SADIFA NAPRELJAC,)	
)	
Plaintiff,)	
)	CIVIL NO. 4-02-CV-10075
vs.)	
)	
MONARCH MANUFACTURING)	ORDER
COMPANY,)	
)	
Defendants.)	

The Court has before it defendant Monarch Manufacturing Company's ("Monarch") motion for summary judgment, filed April 11, 2003.¹ Plaintiff resisted the motion May 7, 2003, and defendant filed a reply on May 19, 2003. The motion is now considered fully submitted.

I. BACKGROUND

The following facts either are not in dispute or are viewed in a light most favorable to plaintiff. Defendant Monarch is an Iowa corporation which manufactures and sells basement lower level window wells for use in residential and commercial construction. The company has its primary place of business in Waukee, Iowa, with an additional facility in Englewood, Colorado. Plaintiff Sadifa Napreljac was employed with Monarch in the window assembly department from February 8, 1999 through January 25, 2001.

Among the responsibilities listed in Monarch's "multi-functional" window assembly job

¹ Defendant filed an amended statement of material facts and memorandum on April 15, 2003.

description were the following:

1. Correctly fit parts together to assemble either a sash or a frame;
2. Correctly install hardware in position and attach to part;
3. Inspect windows to assure windows work properly before packaging;
4. Inspect windows during assembly to detect and eliminate defective parts.

The job description also stated that employees should be able to safely handle screw guns, hammers, staple/nail guns, caulking systems, spline/weather strip rollers, tape measures and utility knives/scissors. Plaintiff claims, however, that although certain tasks were listed as "requirements" in the job description, not all assemblers in fact performed all enumerated tasks or handled all enumerated tools.

Rather than assign the same employee to the same task on a consistent basis, Monarch "cross-trained" its employees on a variety of different tasks, rotating them whenever possible throughout the work day. This practice accomplished two goals: first, it allowed the department greater flexibility to fill vacancies when the need arose, and second, it helped to prevent repetitive stress injuries. Monarch managers admit that they did *not* require every employee to perform *every* task or position, but rather, assigned positions based on a particular employee's physical abilities and level of skill.

After plaintiff was hired on February 8, 1999, plaintiff cross-trained at various times in many of the duties set forth in the multi-functional job description including the four cells in SG assembly, the hopper area, punch DG, saws, dies, CNC glass operation and material handler. On or about July 29, 1999, plaintiff first reported an injury to her left shoulder and neck. She returned to work on August 2, 1999, with restrictions which limited her to temporary, alternate light-duty work assignments. She was fully released from medical care on October 13, 1999 and resumed rotating within the window

assembly department.

Plaintiff incurred a second injury on or around August 8, 2000, after which she was again restricted to temporary, alternate, light-duty assignments resulting from medically imposed restrictions on lifting, pushing, pulling, using vibrating machinery and lifting her left arm over her head. After she returned to work on August 15, 2000, plaintiff was again given temporary, alternate duty performing light assembly responsibilities while she began a work strengthening program for her injuries.

On January 4, 2001, plaintiff's treating physician, Jacqueline Stoken, M.D., provided the following recommendations, based on a functional capacity evaluation performed the previous week:

1. Continue her home exercise program, the use of ice, and ibuprofen for pain.
2. I placed her on work restrictions including a 10-pound lifting restriction, avoiding repetitive pushing, pulling, working above shoulder level, reaching above her head, and no use of vibratory machinery. She may work eight hours per day.
3. At this time, I consider her at maximum medical improvement.
4. Permanent impairment rating as taken from the AMA Guides to the Evaluation of Permanent Impairment, fourth edition, chapter 3: Left shoulder abduction is 140 degrees, which would be a 2% impairment; left shoulder flexion is to 160 degrees, which would be a 1% impairment; internal rotation of the left shoulder is 30 degrees, which is 4% impairment; external rotation of the shoulder is 90 degrees, which is 0% impairment. Adding up the impairments of the abduction, flexion, and internal rotation, she would fall into a category of a 7% impairment of the whole person. This is according to the tables and figures on pages 43-45 in chapter 3.
5. She is going to follow up with me on a p.r.n. basis at this time.

Defendant's Appendix to Amended Statement of Undisputed Facts ("Defendant's App.") at 176.

Dr. Stoken discussed the results of the functional capacity evaluation with plaintiff and concluded plaintiff's capabilities fell within the general category of "light" work.

After receiving Dr. Stoken's January 4, 2001 report, Monarch managers evaluated whether plaintiff could continue to work in the window assembly department, and whether there were other

available full-time positions at Monarch for which she was qualified.

Monarch maintains a practice of temporarily assigning alternate light duty to employees who may be recovering from illnesses or work-related injuries. The parties dispute whether these positions are available on a permanent basis. After concluding there were no available, permanent light duty window assembly positions, Monarch terminated plaintiff's employment effective January 25, 2001.

Plaintiff filed the present action on February 7, 2002, claiming that defendant discriminated against her on the basis of disability, in violation of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12101 *et seq.*, and the Iowa Civil Rights Act ("ICRA"), IOWA CODE §§ 216.1 *et seq.* Plaintiff also pled common law causes of action for wrongful discharge in violation of Iowa public policy and intentional infliction of emotional distress. Defendants now move for summary judgment on all claims.

II. APPLICABLE LAW AND DISCUSSION

A. Summary Judgment Standard

Summary judgment is properly granted when the record, viewed in the light most favorable to the nonmoving party, shows that there is no genuine issue of material fact, and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c); *Walsh v. United States*, 31 F.3d 696, 698 (8th Cir. 1994). The moving party must establish its right to judgment with such clarity that there is no room for controversy. *Jewson v. Mayo Clinic*, 691 F.2d 405, 408 (8th Cir. 1982). "[T]he mere existence of *some* alleged factual dispute between the parties will not defeat an otherwise properly supported motion for summary judgment; the requirement is that there be no *genuine* issue of *material*

fact.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48 (1986). An issue is “genuine,” if the evidence is sufficient to persuade a reasonable jury to return a verdict for the nonmoving party. *Id.* at 248. “As to materiality, the substantive law will identify which facts are material.... Factual disputes that are irrelevant or unnecessary will not be counted.” *Id.*

“Summary judgment should seldom be used in employment discrimination cases.” *Crawford v. Runyon*, 37 F.3d 1338, 1341 (8th Cir. 1994). Summary judgment should be granted only on the rare occasion where no dispute of fact exists and there is only one conclusion. *Id.* (citations omitted) (quotations omitted). The Court should not grant defendants’ summary judgment motion “unless the evidence could not support any reasonable inference for the nonmovant.” *Id.* (citations omitted).

Before addressing plaintiff’s allegations on the merits, the Court notes that plaintiffs’ claims of disability discrimination under the ICRA are evaluated under the same standards as her parallel claims under the applicable federal statute. *See, e.g., Fuller v. Iowa Dep’t of Human Servs.*, 576 N.W.2d 324, 329 (Iowa 1998) (acknowledging that in interpreting disability claims brought under ICRA, Iowa courts look to federal statutes, case law and regulations).

B. Plaintiff’s Claims of Disability Discrimination

In evaluating disability discrimination claims brought under the ADA, courts follow the familiar burden-shifting framework set forth in *McDonnell Douglas v. Green*, 411 U.S. 792 (1973). *See Keil v. Select Artificials, Inc.*, 169 F.3d 1131, 1134-45 (8th Cir. 1999) (citing *McDonnell Douglas*, 411 U.S. at 802-05)). First, a plaintiff must present a prima facie case of disability discrimination. *Keil v. Select Artificials, Inc.*, 169 F.3d at 1134-35. The burden then shifts to the employer to “rebut the presumption of discrimination by articulating a legitimate, non-discriminatory reason for the adverse

employment action.” *Id.* at 1135. If the employer is able to provide such a reason, the burden shifts back to the plaintiff to show the employer’s proffered reason was pretextual. *Id.*

1. Whether Plaintiff Can Establish a Prima Facie Case

To establish a prima facie case of disability discrimination, a plaintiff must show:

1) she was disabled under the meaning of the ADA; 2) she was qualified to perform the essential functions of her position with or without accommodation; and 3) she “suffered an adverse employment action under circumstances giving rise to an inference of unlawful discrimination.” *Id.* In the present case, defendant contends plaintiff is unable to establish any of the necessary elements of her prima facie case.

a. Whether plaintiff was disabled under the ADA

Disability is defined in relevant part under the ADA as:

- (A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; [or]
 - 1. a record of such an impairment; or
- (C) being regarded as having such an impairment.

42 U.S.C. § 12102(2).

“Major life activities” are defined in the applicable regulations to include: “functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.” 29 C.F.R. § 1630.2(i). The use of the phrase “such as” indicates that the EEOC did not intend for the list to be exclusive, but rather, illustrative of the types of activities which the EEOC would consider to be “major life activities.” *Krauel v. Iowa Methodist Medical Center*, 915 F. Supp. 102,

106 (S.D. Iowa 1995).

i. Whether plaintiff is actually disabled

Plaintiff contends her bursitis and repetitive stress syndrome render her disabled in the major life activities of lifting, performing manual tasks and reaching. Admittedly, a general lifting restriction, without more, will not support disability under the ADA. *Snow v. Ridgeview Medical Ctr.*, 128 F.3d 1201, 1207 (8th Cir. 1997). Nevertheless, in addition to her lifting restrictions, plaintiff has presented evidence she must permanently avoid repetitive pushing, repetitive pulling, repetitive working above shoulder level and reaching above her head, and cannot use vibratory machinery. Plaintiff's App. at 91-97 (functional capacity evaluation) Defendant's App. at 176 Dr. Stoken's assessment). In this manner, plaintiff's situation is closely aligned with the facts in *Wheaton v. Ogden Newspapers, Inc.*, 66 F. Supp.2d 1053, 1062 (N.D. Iowa 1999), in which the court found that because plaintiff had presented evidence of limitations *in addition* to her general lifting limitation, she had created a material issue of fact as to whether she was substantially limited in the major life activities of standing and lifting.

In its reply brief, defendant attempts to distinguish *Wheaton* by arguing, among other things, that the *Wheaton* plaintiff was not required to participate in a job rotation at work. This fact is more relevant to whether plaintiff was qualified to perform her position than whether she was disabled. Although a close question, the Court finds the fact plaintiff has restrictions above and beyond a general lifting restrictions, coupled with the fact her restrictions have prevented plaintiff from performing many tasks she formerly performed at Monarch on a regular basis creates a material issue of fact as to whether plaintiff's condition "substantially limits" the major life activities of lifting, performing manual

tasks and reaching.² *See also* Plaintiff's App. at 5, 39 (plaintiff indicates in her deposition that her current condition prevents her from, among other things, vacuuming, changing bed linens and doing laundry).

Plaintiff also argues she is substantially limited in the major life activity of working. To be considered substantially limited in the major life activity of working,³ the applicable regulations provide that an individual must be "significantly restricted in the ability to perform either a class of jobs or a broad range of jobs in various classes as compared to the average person having comparable training, skills and abilities." 29 C.F.R. § 1630.2(j)(3)(i). To succeed on her claim of disability, plaintiff must show more than an inability to perform one particular job. *Id.*

Viewing the facts in a light most favorable to plaintiff, the Court finds that the functional capacity evaluation conducted in December 2000, and Dr. Stoken's January 2001 assessment of this evaluation combine to create material issues of fact as to whether plaintiff is significantly restricted in her ability to

² The fact that, subsequent to her termination, plaintiff applied for jobs that would require lifting in excess of 10 pounds does not prove as a matter of law that she would successfully be able to *perform* these jobs, and thus, does not alter the present analysis.

³ The Court acknowledges the Supreme Court's recent language in *Toyota Motor Manufacturing v. Williams*, 534 U.S. 184, 200 (2003) indicating it is "hesitant" to classify working as a major life activity. Nevertheless, the Eighth Circuit previously has considered working a major life activity "if the individual is not substantially limited with respect to any other major life activity." *Doane v. City of Omaha*, 115 F.3d 624, 627 (8th Cir. 1997); *see also* 29 C.F.R. pt. 1630, App. § 1630.2(j):

If an individual is not substantially limited with respect to any other major life activity, the individual's ability to perform the major life activity of working should be considered. If an individual is substantially limited in any other major life activity, no determination should be made as to whether the individual is substantially limited in working.

perform the class of jobs at the medium exertional level and above. *See Wheaton*, 66 F. Supp. 2d at 1063 (finding material issue of fact as to whether plaintiff substantially limited in major life activity of working based on evidence plaintiff was prevented from performing work at medium, heavy and very heavy exertional levels).⁴

ii. Whether plaintiff was regarded as disabled

Plaintiff also contends defendant *regarded* her as having a qualified impairment. *See* 42 U.S.C. § 12102(2)(C). "A person is regarded as having such an impairment if others treat [him] as if [he] is disabled." *Cody v. Cigna Healthcare of St. Louis, Inc.*, 139 F.3d 595, 599 (8th Cir. 1998). In support of this argument, plaintiff points to the fact that Monarch provided her with a special chair to help her perform her duties. Defendant's App. at 113-14. This Court is not convinced. The fact Monarch provided such an accommodation in no way suggests Monarch viewed plaintiff as *significantly limited* in the major life activities of working, lifting, performing manual tasks or reaching.

Nevertheless, because Monarch management interpreted the limitations imposed in Dr. Stoken's January 4, 2001 assessment to render plaintiff permanently unable to perform any available position in the window assembly department, *see* Defendant's App. at 175, the Court finds material issues of fact exist as to whether Monarch perceived plaintiff to be disabled from the major life activity of working. *See. e.g., Wheaton*, 66 F. Supp. 2d at 1066 (fact supervisors permitted employee to

⁴ The Court notes plaintiff has included in her appendix a vocational evaluation completed by Carma Mitchell, a vocational rehabilitation consultant. *See* Plaintiff's App. at 99-101. Ms. Mitchell opines that plaintiff's physical limitations have caused her to lose 44% of the jobs she could perform prior to her injury. *Id.* at 101. It is not clear whether Ms. Mitchell has been certified as an expert witness, or how plaintiff intends to introduce this report into evidence. Accordingly, the Court has not relied upon Ms. Mitchell's statements in this Order.

request help when needed, and objected to plaintiff performing certain tasks created material issue of fact as to whether employer perceived plaintiff to be disabled).

b. Whether plaintiff was qualified with or without accommodation

Assuming plaintiff is able to prove she was disabled under the meaning of the ADA, the statute also requires that plaintiff show she is qualified to perform her duties, with or without reasonable accommodations. *Keil*, 169 F.3d at 1135; 29 C.F.R. Pt. 1630, App. § 1630.2(m) at 351. Monarch does not dispute that plaintiff had the necessary skills for the position, nor that plaintiff had performed well during the first years of her employment. Monarch contends, however, that plaintiff was unable to fulfill all required tasks on its "multi-functional" job description. *See* Defendant's App. at 177. Furthermore, despite "substantial effort" on its part, it was unable to reasonably accommodate plaintiff's restrictions on a permanent basis.

It is the plaintiff's burden to make "a facial showing that reasonable accommodation is possible." *Benson v. Northwest Airlines, Inc.*, 62 F.3d 1108, 1112 (8th Cir. 1995) (quoting *Mason v. Frank*, 32 F.3d 315, 318-19 (8th Cir. 1994)).⁵ The Court finds plaintiff met this burden by alleging that on the final days prior to her termination, she was able to meet company goals at a position in the window assembly department punching holes in various sizes of aluminum strips. Plaintiff's App. at 16-18, 26-28. Again, although a very close question, the Court finds it is a fact issue as to whether defendant could allow plaintiff to perform this task and/or similar functions on a full-time basis without

⁵ Because defendant admits to discussing possible accommodations with plaintiff during her period of temporary light duty, it does not appear to question whether plaintiff triggered the required "interactive process" for purposes of her permanent restrictions. *See* 29 C.F.R. § 1630.2(o)(3). Clearly, defendant was on actual notice of plaintiff's need for accommodation. *See, e.g.*, Defendant's App. at 119 (Human resource administrator indicated Monarch managers met to discuss possible alternative work assignments).

undue hardship, or whether the ability to rotate to all or most positions within the department was truly an essential function of the position. *See, e.g. Kiphart v. Saturn Corp.*, 251 F.3d 573, 585 (6th Cir. 2001) (whether a work function is "essential" normally question of fact). For example, Steve Stein, a department manager, stated in deposition that despite the department's "multi-functional" job description, specific position assignments were discretionary based in part on an employee's "physical capabilities." Plaintiff's App. at 54. He further admitted that not all employees were even trained on every task, but rather, on the jobs "that they were capable of doing." *Id.* at 57.

Defendant cites to *Watson v. Lithonia Lighting*, 304 F.3d 749, 751-52 (7th Cir. 2002) for the premise that an employer who requires its employees to rotate regularly between several different positions should not be required to accommodate one employee unable to perform the most physically demanding positions. The Court believes Mr. Stein's statements cause the present facts to be distinguishable from those in *Watson*, however, where it appeared the company required all assembly line workers to be able to perform *all* stated tasks, and the plaintiff was unable to produce admissible evidence that exceptions could be made. Because it is not clear that Dr. Stoken's restrictions preclude plaintiff as a matter of law from performing the true "essential functions" of a window assembly employee, summary judgment is inappropriate on this issue.⁶

⁶ In her resistance brief, plaintiff also argues that Monarch may have been able to make further accommodation if it had contacted Dr. Stoken to discuss the issue and/or clarify the restrictions outlined in her January 4, 2001 assessment. This argument is less persuasive. "The ADA does not require an employer to permit an employee to perform a job function that the employee's physician has forbidden." *Alexander v. Northland Inn*, 321 F.3d 723, 727 (8th Cir. 2003). Dr. Stoken's January 4, 2001 statement imposing a 10-pound lifting restriction is unequivocal. Defendant's App. at 176. Once this statement was communicated to defendant, plaintiff's own belief that she may nevertheless lift 10 pounds on an occasional basis is irrelevant, as would be any post-termination concession made by Dr. Stoken. *Id.*

2. Remaining *McDonnell-Douglas* Analysis

Once a plaintiff has established a prima facie case of discrimination, the burden shifts to the employer to show a legitimate, nondiscriminatory reason for termination. *Keil*, 169 F.3d at 1135. The Court finds Monarch met this burden by stating it believed plaintiff was unable to perform the essential functions of her position. *See* Defendant's App. at 175.

The burden then shifts back to plaintiff to establish that defendant's stated reason is pretextual. *Id.* As set forth above, plaintiff alleged she was meeting job goals in the days prior to her termination, and has produced evidence of flexibility in the department. Viewing the facts in the light most favorable to plaintiff, the Court finds defendant's stated reason for termination could be viewed as pretextual for a true discriminatory motive.

3. Conclusion regarding ADA claim

For the reasons outlined above, the Court finds material issues of fact exist regarding plaintiff's prima facie case of disability discrimination under the ADA and ICRA, and whether she can in fact establish that defendant's stated reason for termination was pretextual. Summary judgment on these claims is denied.

C. Wrongful Discharge in Violation of Public Policy

In addition to her state and federal disability claims, plaintiff asserts a claim for wrongful discharge in violation of public policy. Complaint ¶ 12(c). Initially, the Court notes there is no dispute that plaintiff was an at-will employee. Under Iowa law, an employer generally may discharge an at-will employee at any time for any reason. *Huegerich v. IBP, Inc.*, 547 N.W.2d 216, 219 (Iowa 1996); *Borschel v. City of Perry*, 512 N.W.2d 565, 566 (Iowa 1994). The Iowa Supreme Court has

recognized two exceptions to this rule: (1) if the discharge violates a “well-recognized and defined public policy of the state;” and (2) if a contract has been created by an employee handbook or manual, and the contract is somehow breached. *Borschel*, 512 N.W.2d at 566 (quoting *Springer v. Leo & Weeks*, 429 N.W.2d 558, 560 (Iowa 1988) (“*Springer I*”). The former exception is at issue in the present case.

Plaintiff claims defendant wrongfully discharged her in retaliation for seeking workers compensation benefits. Such a claim clearly is cognizable under Iowa law. *Springer I*, 429 N.W.2d at 560-61. As explained in *Springer I*, the statute on which the public policy at issue is based, Iowa Code § 85.18,⁷ is “a clear expression that it is the public policy of this state that an employee’s right to seek the compensation which is granted by law for work-related injuries should not be interfered with regardless of the terms of the contract of hire.” *Springer I*, 429 N.W.2d at 560-61; *see also Below v. Skarr*, 569 N.W.2d 510, 511 (Iowa 1997) (quoting *Springer I*).

Although it does not dispute that plaintiff’s claim falls within the *scope* of the public policy exception to the employment at-will doctrine, defendant nevertheless contends plaintiff has failed to allege facts sufficient to withstand summary judgment on the issue. To recover damages under this exception, “a plaintiff must establish (1) engagement in a protected activity, (2) adverse employment action, and (3) a causal connection between the two.” *Teachout v. Forest City Community School Dist.*, 584 N.W. 296, 299 (Iowa 1998). In the present case, there is no dispute plaintiff sought

⁷ Section 85.18 of the Iowa Code provides:

No contract, rule, or device whatsoever shall operate to relieve the employer, in whole or in part, from any liability created by this chapter except as herein provided.

medical treatment under defendant's workers compensation coverage, and therefore satisfied the first element.⁸ It is also clear to the Court plaintiff suffered an adverse employment action when she was terminated in January 2001. The fighting issue is whether plaintiff has alleged sufficient facts to suggest there was a causal connection between the two.

Plaintiff contends a causal connection between her pursuit of workers compensation benefits and subsequent discharge may be inferred from the fact positions were available at the time of her discharge that were within her physical capabilities. In addition, although she admits Monarch did not retaliate against her during the "healing period," plaintiff alleges that the fact defendant terminated her when she was ready to return to work on a permanent basis creates a "sufficient temporal relationship" between her pursuit of benefits and termination to survive summary judgment. This Court disagrees.

The public policy recognized in *Springer I* and its progeny is an employee's right to seek compensation for workplace injuries without facing retaliatory conduct from his or her employer. *Springer I*, 560 N.W.2d at 560-61. The present record is devoid of evidence defendant attempted to interfere with plaintiff's ability to collect workers' compensation benefits through verbal harassment or other means. Although plaintiff asserts that she was continuing to seek treatment, and payment for treatment at the time of termination, she has produced no evidence of this fact, nor that defendant discouraged her from seeking further treatment. Although defendant may not have done all that it could to accommodate plaintiff's physical restrictions, any wrongdoing on the part of defendant is appropriately addressed in the ADA and ICRA. *See, e.g., Grahek v. Voluntary Hospital Co-op*

⁸ It appears plaintiff received some wage compensation from defendant or defendant's insurance carrier at this time; however, the record is unclear on this issue.

Association of Iowa, Inc., 473 N.W.2d 31, 33 (Iowa 1991) (ICRA provides the exclusive state law remedy for discriminatory acts against covered individuals). Defendant's motion for summary judgment is granted with regard to plaintiff's common law wrongful discharge claim.

D. Plaintiff's Claim of Intentional Infliction of Emotional Distress

Lastly, plaintiff alleges that defendant's conduct toward plaintiff amounted to intentional infliction of severe emotional distress. Complaint ¶ 12(d). As argued by defendant, the ICRA provides the exclusive remedy for claims arising out of discriminatory acts. Specifically, the Iowa Supreme Court has held: "Preemption [of a common law tort claim by a statute] occurs unless the claims are separate and independent, and therefore incidental, causes of action. The claims are not separate and independent when, under the facts of the case, success in the nonchapter 601A claims . . . requires proof of discrimination." *Greenland v. Fairtron Corp.*, 500 N.W.2d 36, 38 (Iowa 1993) (citations omitted).

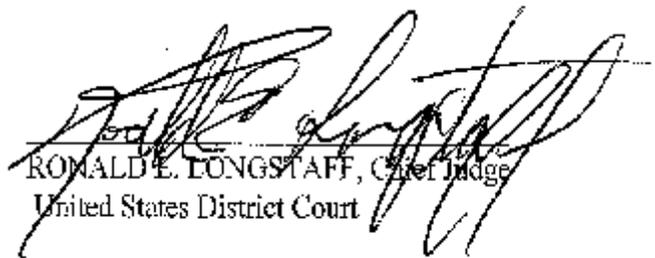
In resisting defendant's motion for summary judgment, plaintiff concedes that to succeed on her tort claim, she must necessarily prove disability discrimination. *See* Plaintiff's Resistance Brief at 38. Absent facts to support a separate and independent tort, the Court finds summary judgment is appropriately granted on plaintiff's claim of intentional infliction of emotional distress.

III. CONCLUSION

For the reasons outlined above, defendants' motion for summary judgment is denied with regard to her state and federal disability claims and granted with regard to her claims of wrongful discharge in violation of public policy and intentional infliction of emotional distress.

IT IS ORDERED.

Dated this 27th day of May, 2003.


RONALD E. LONGSTAFF, Chief Judge
United States District Court