

11th Circ. Backs Teacher's Jury Win In Disability Bias Suit

By **Emmy Freedman**

Law360 (April 27, 2023, 1:29 PM EDT) -- The Eleventh Circuit refused to overturn a special education teacher's win in her lawsuit accusing her former Georgia school district of failing to accommodate her muscular disorder, saying it saw no reason to flip a federal jury's verdict.

A unanimous three-judge panel **said** Wednesday that it would not touch the jury's June 2021 ruling that handed down \$300,000 to Crystal Lamb in her Americans with Disabilities Act and Rehabilitation Act lawsuit against the Clayton County School District. In August 2021, the school district sought to upend a trial court's judgment on the jury verdict as well as an order awarding Lamb fees and costs.

"First, the school district argues that the district court erred in not granting its motion for summary judgment," the panel said. "We do not address this argument because an order denying a summary judgment motion is unreviewable following a jury verdict."

The panel said it lacked the authority to set aside the jury's verdict because the school district failed to file the requisite motions after the decision came down that would've given the appellate court the authority to reopen the case.

The school district's request to reverse the trial court's November 2021 order awarding Lamb attorney fees and costs also fell flat because the panel lacked jurisdiction, the panel said.

The trial's court's order was not final because it left the door open to calculate additional fees, the panel said. The order, which granted Lamb \$547,265 in attorney fees and \$10,434 in costs, back pay and post-judgment interest, was not cemented until a January 2022 order, the panel said. Therefore, the school district's appeal on that matter was ineffective, the panel said.

The school district had argued that the January 2022 order merely calculated interest, which it said is a ministerial task and therefore made the prior November 2021 order final. The panel disagreed, saying that deciding what date to begin calculating the interest Lamb was owed was not a ministerial task.

"If the judgment amount, the prejudgment interest rate, or the date from which prejudgment interest accrues is unclear, the calculation of prejudgment interest is no longer a ministerial act and the court's order is not final," the panel said, quoting its 1997 opinion in *United States Securities & Exchange Commission v. Carrillo*.

Lamb filed her suit in February 2019. When the school district hired her in 2017, she disclosed her myotonic dystrophy to the school, court filings said. The muscular disorder made it difficult for her to recover after she fell in the classroom and injured her knee and ankle, Lamb said.

A physician cleared her to return to work, and she asked the school if she could alternate between sitting and standing with no bending, kneeling or prolonged standing, filings said. The school refused to communicate that request, and told her she couldn't return to the classroom until she was completely healed, Lamb alleged.

A trial court denied the school district's bid for summary judgment in September 2020, teeing up Lamb's suit to head to trial. A jury **granted her** compensatory damages of each of her three claims: \$200,000 each for disparate treatment and failure to accommodate, and \$50,000 for

retaliation. The award was subject to a federal cap, bringing her compensatory damages down to \$300,000.

Representatives of the parties did not immediately respond to requests for comment Thursday.

U.S. Circuit Judges Adalberto Jordan, Kevin Newsom and Edward E. Carnes sat on the panel for the Eleventh Circuit.

Lamb is represented by John T. Stembridge and Lisa Durham Taylor of Stembridge Taylor LLC and by Holly Anne Pierson of Pierson Law PC.

Clayton County School District is represented by Paul J. Dzikowski of Paul J. Dzikowski PC and by Winston A. Denmark of Fincher Denmark LLC.

The case is Crystal Lamb v. Clayton County School District, case number 21-12887, in the U.S. Court of Appeals for the Eleventh Circuit.

--Editing by Abbie Sarfo.