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PER CURIAM OF THE UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT
(APRIL 25, 2022)

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 21-2527

Ruby J. Watts,

Plaintiff - Appellant

v.

Administrative Office of the Courts,
Defendant

John Stewart, Director of Finance and Administration, Individually, and
Official Capacity and Andrea Lea, Auditor of State, Individually and in her
Official Capacity,

Defendant – Appellees

Does, Legislative Bureau Member of the Administrative Office of the
Courts, Individually and Official Capacity and Marty Garrity
Defendants

Appeal from United States District Court
for the Eastern District of Arkansas – Central

Submitted: April 20, 2022

Filed: April 25, 2022

[Unpublished]

Before LOKEN, GRUENDER, and GRASZ, Circuit Judges.

PER CURIAM

Ruby Watts appeals following the district court's ¹ adverse grant of judgment as a matter of law in her employment discrimination action. Watts argues the district court erred in failing to grant her leave to amend her complaint, and in denying her request to reopen discovery. She also argues the district court erred in granting judgment as a matter of law.

After careful consideration, we conclude that the district court did not abuse its discretion in failing to grant Watts leave to amend her complaint or in declining to reopen discovery. See *FGS Constructors, Inc. v. Carlow*, 64 F.3d 1230, 1235 (8th Cir. 1995) (standard of review)/ We also conclude that the grant of judgment as a matter of law was warranted for the reasons stated on the record by the district court, See *Sisk v. Picture People, Inc.*, 669 F.3d 896, 899 (8th Cir. 2012) (reviewing de novo grant of judgment as a matter of law). Accordingly, we affirm. See 8th Cir. R. 47B.

¹ The Honorable James M. Moody Jr., United States District Judge for the Eastern District of Arkansas.

JUDGMENT ORDER OF THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
(JUNE 16, 2021)

IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT
OF ARKANSAS

RUBY J. WATTS

PLAINTIFF

vs.

No. 5:16-cv-302-JM-BD

ADMINISTRATIVE OFFICE
OF THE COURTS, ET. AL.

DEFENDANTS

JUDGMENT

At the close of Plaintiff's case in chief, the Court granted Defendants' motions for directed verdict on all claims. Judgment is entered in favor of Defendants, and Plaintiff's complaint is dismissed with prejudice.

IT IS SO ORDERED this 16th day of June, 2021

s/_____
James M. Moody Jr.
United States District Judge

ORDER OF THE UNITED STATES DISTRICT COURT EASTERN
DISTRICT OF ARKANSAS GRANTING MOTION IN LIMINE
(FEBRUARY 25, 2020)

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

RUBY J. WATTS

PLAINTIFF

vs.

No. 5:16-cv-302-JM-BD

ADMINISTRATIVE OFFICE OF
THE COURTS, ET. AL.

DEFENDANTS

ORDER

After consideration of Defendants' motion in limine (doc. No. 50), the motion is granted.

1. Plaintiff cannot introduce documents purportedly signed by Judge Simes II relating to her salary or the mileage offered to her based on his designation of Pine Bluff as her official work station. Nor can she testify about the documents or the contents.

2. Neither party will be allowed to call witnesses who were not identified during the course of discovery.

3. Plaintiff is prohibited from suggesting or infer that Defendants did not call any particular person to testify, or to speculate on why a person was not called to testify.

As always, the Court's ruling in limine do not preclude the parties the parties from approaching the bench during the trial of this matter and raising any issues previously ruled on in limine as evidence is introduced that may impact the Court's pre-trial rulings.

IT IS SO ORDERED this 25th day of February, 2020.

s/

James M. Moody Jr.
United States District Judge

**ORDER OF THE UNITED STATES DISTRICT COURT EASTERN
DISTRICT OF ARKANSAS PINE BLUFF DIVISION APPOINTING
COUNSEL TO REPRESENT PLAINTIFF (MARCH 15, 2019)**

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

RUBY J. WATTS

PLAINTIFF

V. No. 5:16-CV-302-JM-BD

**ADMINISTRATIVE OFFICE OF
THE COURTS, et. al.**

DEFENDANTS

ORDER

Attorney Denise Hoggard, Rainwater, Holt & Sexton, P.O. Box 17250, Little Rock, Arkansas 72222, telephone number (501) 868-2929, is hereby appointed, in conformity with Rule 83.7 of the Local Rules for the Eastern and Western Districts of Arkansas, to represent Ruby Watts in all further proceedings in this case. The Clerk of Court is directed to send Ms. Hoggard a copy of this Order and Local Rule 83.7. Counsel may access the file from CM/ECF. If counsel is unable to obtain a copy of the file from CM/ECF, she should contact court staff 501 604-5114, and a copy of the file, or any portion requested, will be provided via compact disc free of charge. Under Local Rule 83.7, counsel must make written application to withdraw within 21 days of the date of this order, if good cause, or the appointment will be effective.

IT IS SO ORDERED, this 15th day of March, 2019.

s/
United States Magistrate Judge

**PARTIAL RECOMMENDED DISPOSITION IN THE UNITED STATES
DISTRICT COURT EASTERN DISTRICT OF ARKANSAS,
PINE BLUFF DIVISION
(MARCH 13, 2019)**

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

RUBY J. WATTS

PLAINTIFF

V.

No. 5:16-CV-302-JM-BD

**ADMINISTRATIVE OFFICE OF
THE COURTS, et. al.**

DEFENDANTS

PARTIAL RECOMMENDED DISPOSITION

I. Procedures for Filing Objections:

This Partial Recommended Disposition (Recommendation) has been sent to Judge James M. Moody Jr. Any party may file a written objections to this Recommendation. Objections should be specific and should include the factual or legal basis for the objection. To be considered, objections must be received in the office of the Court Clerk within 14 days of this Recommendation.

If no objections are filed, Judge Moody can adopt this Recommendation without independently reviewing the record. By not objecting, the parties waive the right to appeal questions of fact.

II. Background:

Ruby Watts filed this employment discrimination and retaliation case without the help of a lawyer on September 23, 2016, seeking damages under Title VII of the Civil Rights Act of 1964, the Equal Pay Act

(EPA), and the Age Discrimination in Employment Act ADEA).¹ (Docket entry #1) “Title VII prohibits . . . ‘ employer discrimination on the basis of race, color, religion, sex, or national origin, in hiring, firing, salary structure, promotion and the like.’” *Winfrey v. City of Forrest City, Ark.*, 882 F.3d 757, 758 (8th Cir. 2018) (quoting *Univ. of Tex. Sw. Med. Ctr. v. Nassar*, 570, U.S. 338, 342 (2013)); 42 U.S.C. §2000e-2. The EPA and the ADEA, respectfully, prohibit pay discrimination and disparate treatment on the basis of sex or age. EPA, 29 .S.C. § 206 (d); ADEA, 29 U.S.C. § 621.

In her complaint, Ms. Watts broadly asserts that she was retaliated against and was denied equal pay as a result of her race, sex, and age. (#1 at 2-3) She alleges that when Arkansas Circuit Court Judge L.T. Simes hired her as his court reporter on January 2, 2014, he promised her a yearly salary of \$65,221 but that she was paid only \$35,554. (Id. at 3) Ms. Watts asserts that, at time she was hired, a male court reporter was rehired and that several Caucasian women with less “tenure with the State” were also hired at higher salaries than she received. (Id.) Finally, Ms. Watts alleges that she was “forced to resign due to intolerable working conditions” on January 6, 2016. (Id.) Ms. Watts does not seek reinstatement; rather, she seeks back pay, adjusted to reflect the original promised salary, as well as unpaid travel reimbursements, and sick and vacation pay. (Id.)

As all other defendants have been dismissed from the lawsuit, only the individual and official capacity claims against defendants John Stewart, Director of Finance and Administration, and Andrea Lea, Auditor of the State of Arkansas, remain. (#15, #17, #19, #23) Defendants Stewart

¹ Judge Moody referred the case to this Court. (#6)

and Lea have moved for summary judgment on Ms Watt's Title VII Claims. (#33) Ms. Watts responded (#40); Defendants replied (#41); and Ms. Watts filed a sur-reply (#44) Defendants moved to strike the sur-reply. (#46) For the reasons set forth below, the motion for summary judgment should be granted in part and denied, in part. Defendants' motion to strike (#46) is DENIED.

III. Immunity from Suit

A. Individual Capacity Claims

Defendants contend that Ms. Watt's Title VII claim against them in their individual capacity must be dismissed because Title VII does not provide for individual liability. (#34 at 6) The Court agrees. Title VII liability only attaches to an employer. *McCullough v. Univ. of Ark. For Medical Sciences*, 559 F.3d 855, 860 N.2 (8th Cir. 2009). Accordingly, Ms. Watt's Title VII claims against Defendants in their individual capacities cannot proceed.

B. Official Capacity Claims

Defendants also argue that Ms. Watt's claims against separate defendant Stewart should be dismissed in his official capacity. (#34 at 7) Ms. Watts sued Defendant Stewart in his official capacity as "Director of Finance and Administration." (#1) Defendants argue that the Division of Finance and Administration (DFA) is a division of the Administrative Office of the Courts and that, as such, cannot be sued because a subdivision of an agency is not a legal entity subject to suit (#34 at 7) In fact, claims against Defendants in their official capacities are, in effect, claims against the State of Arkansas.

A public official may be sued under Title VII in his official capacity *Rucker v. Banks*, No 5:12-CV-88-KGB, 2013 WL 1005649, *2 (E.D. Ark. March 13, 2013) (citing *Harvey v. Blake*, 913 F.2d 226, 227-28 (5th Cir. 1990) & *In re Montgomery County*, 215 F.3d 367, 372-73 (3rd Cir. 2000). Indeed, “Title VII claims against the state and its agencies are not barred by the Eleventh Amendments.” *Id.* (citing *Okruhlik v. Univ. of Ark.* 255 F.3d 615 (8th Cir. 2011) & *Maitland v. Univ. of Minn.*, 260 F.3d 959 (8th Cir. 2001). As a result, Defendants’ motion to dismiss separate Defendant Stewart in his official capacity should be DENIED.

IV. Summary Judgment:

A. Standard

Summary judgment means that the court rules in favor of a party without the need for a trial. A party is entitled to summary judgment if the evidence, viewed in the light most favorable to the party on the other side of the lawsuit, shows that there is no genuine dispute as to any fact that is important to the outcome of the case. Fed. R. Civ. P. 56; *Celotex Corp. v. Catrett*, 477 U.S. 317, 322, 23 (1986); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48 (1986).

B. Undisputed Facts

Ms. Watts was hired on January 2, 2014, by Judge L.T. Simes II as an official court reporter in the First Judicial Circuit of Arkansas. (#35, #39) Ms. Watts had previously worked for Judges Neal, Bell, and Glover as a substitute reporter. (*Id.*) From July 27, 1993, until October 10, 1993, and from August 23, 1994 to August 31, 1996, Ms. Watts was employed as an official court reporter (*Id.*)

After Judge Simes's death, Ms. Watts continued her employment in the First Judicial District by working as an official court reporter for Judge Chalk S. Mitchell. (Id.) Ms. Watts verbally resigned her position on January 6, 2016, with an effective date of January 15, 2016; (#33-5 at 60, 153, 156) Ms. Watts was 65 years-old when she resigned. (Id. at 113)

Ms. Watts filed a Charge of Discrimination with the Equal Employment Opportunity Commission on January 30, 2016. (#1 at 4, #35, #39) In her charge, Ms. Watts checked the boxes for age, sex and race discrimination, retaliation, and asserted violations of the EPA and ADEA,. (#1 at 4, #35, #39) The Notice of Suit Rights was issued on June 24, 2016. (Id.)

C. Analysis

1. Title VII

Ms. Watts claims she was discriminated against because of her African-American race, her age, and her gender. To establish a prima facie case of discrimination under Title VII, Ms. Watts must show: (1) she is a member of a protected class; (2) she met her employer's legitimate expectations; (3) she suffered a materially adverse employment action; and (4) similarly situated employees who were not members of the protected class were treated more favorably. *Wilkie v. Dept. of Health and Human Services*, 38 F.3d 944, 954-55 (8th Cir. 2011). Once a prima facie case is established, a rebuttable presumption of discrimination arises, and the burden then shifts to the employer to articulate a legitimate nondiscriminatory business reason for its actions. *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973). Once such a reason is produced, "the presumption disappears and the

[plaintiff] bears the burden of proving that the proffered reason was pretextual and the real reason for the [adverse employment action] was discrimination.” *Thomas v. First Nat’l Bank*, 111 F.3d 64, 66 (8th Cir. 1997).

Defendants first contend that Ms. Watts has not established that they are her employer for Title VII purposes. (#34 at 7) However, in doing so, Defendants admit that the determination of whether a defendant is or is not an employer is a “fact-intensive consideration of all aspects of the working relationship between the parties.” (*Id.* at 8); *Hunt v. State of Mo., Dept of Corr.*, 297 F.3d 735, 741 (8th Cir. 2002) (internal citations omitted). Then, using a 12-step analysis, Defendants proceed to make the factual determination themselves assigning desired weight they believe each factor should carry. (#34-7-10) Yet, the Defendants then admit that, under Arkansas statute, court reporters are considered state employees. (#34 at 10); ARK. CODE ANN. § 16-13-501. Despite what appears to be a conflicting position, Defendants conclude that they are merely agents charged with paying salaries and reimbursing expenses rather than employees as contemplated under Title VII.

Defendants cannot have it both ways. And, viewing the evidence in the light most favorable to Ms. Watts, it appears that a genuine issue of material fact remains as to whether Defendants were her employer and Judge Simes their agent, or whether Judge Simes was her employer. The Court does not accept the Defendants’ conclusions in their favor on an issue that, they admit, requires actual analysis.

Defendants next assert that Ms. Watts has not established a prima facie case of discrimination arguing that she failed to come forward with similarly situated employees. (#34 at 1). In support of their motion, Defendants attach the declaration of Sam Kauffman, Human Resources Director, with the Administrative Office of the Courts. Mr. Kauffman states that the comparators named by Ms. Watts, who were paid more than she, had both more experience and more seniority. (#34-1) Attached to Mr. Kauffman's declaration is a four-page chart identifying official court reporters' ages, genders, and years of service as of July 1, 2016. (#43 at 3-7) The chart categorizes the reporters' starting pay as of July 1, 2015. (Id.) A cursory review of the chart reveals what appears to a number of Caucasian women with less seniority than Ms. Watts, whose initial pay was greater than Ms. Watts's pay, despite having less seniority. (Id. at 3) It is unclear from the chart or from Mr. Kauffman's declaration what other factors, (e.g., education) may have influenced the starting salaries noted. Accordingly, Ms. Watts has established a prima facie case of discrimination and Defendants, through their own exhibits, have demonstrated a question of fact remains as to whether the comparators named by Ms. Watts are similarly situated.

As part of her claims, Ms. Watts asserts that she was discriminatorily and retaliatorily denied travel reimbursement. Specifically, Ms. Watts believed her "official work station" was Pine Bluff, which is in Jefferson County, Arkansas, and that she was free to seek reimbursement for travel to her place of employment in the First Judicial Circuit, which includes Cross, Lee, Monroe, Phillips, St. Francis, and Woodruff counties. ARK. CODE ANN. §16-13-901. When deposed, Ms. Watts stated that she was never given an office in the First Circuit.

(#13-5 at 46, 53) And, she maintained that her office was located in Pine Bluff, which Judge Simes designated as her official work station. (Id. at 52-53, #39 at 34, 36).

Arkansas law provides official court reporters “transportation costs for attending court away from a reporter’s official station.” ARK. CODE ANN. § 1613505(a)(1) “Official station is the geographic location or address where the employee normally reports for duty and/or spends the majority of his/her time and must be designated in writing by the employer.” ARK. ADMIN. CODE 0006.09.1 RI19-4-903. A strikingly similar definition is found in Defendants’ exhibit entitled “Payment Policies for Official Court Reporters/Trial Court Administrators;” however, it notes that the definition was adopted in May 2015. (#33-3 at 29 n.1). Ms. Watts was hired in January 2014; therefore there appears to be a question of fact as to how “official station” was defined at the time she was hired.

Further, Defendants allege that, because Judge Simes presided in the First Circuit, he had no authority to designate an official work station outside of that circuit. (#341 at 3-4). Defendants present no authority for or evidence to support this premise. And, in contrast, Ms. Watts provided what appears to be an official document that states: “According to Department of Finance and Administration State Travel Regulations, the travel administrator (employing judge) determines the employee’s official station.” (#39 at 37) The document then states that the “[o]fficial station for the official court reporter is the courthouse/county where the court reporter maintains his or her primary office or another location designated by the employing judge.” (Id.) (emphasis added) There is a question of fact as to whether Judge Simes had the authority

to designate an official work station outside of his judicial district. For all these reasons, this Court recommends Judge Moody deny summary judgment as to the Title VII claims.

2. Retaliation

In her Complaint and Response to the Motion for Summary Judgment, Ms. Watts claims that Defendants retaliated against her in violation of Title VII. After reading the Complaint and Response to the Motion for Summary Judgment, it appears that Ms. Watts is not claiming that she suffered an adverse employment action because she filed a charge with EEOC or even that she ever reported discriminatory behavior. Instead, she appears to claim that Defendants retaliated against her by refusing to honor the salary and official work station negotiated between her and Judge Simes.

Title VII's anti-retaliatory provision protects employees only against employer actions that "discriminate against" an employee because she has "opposed" a practice that Title VII forbids or has "made a charge, testified, assisted, or participated in" a Title VII "investigation, proceeding, or hearing." *Burlington Northern and Santa Fe Ry. Co. v. White*, 548 U.S. 53 59 (citing 24 U.S.C. § 2000e-3(a)).

Ms. Watts is proceeding without the help of a lawyer. To be sure her retaliation claim is not well pleaded; but that said, the Defendants never moved to dismiss that claim. And, in their summary judgment motion, Defendants barely allude to the retaliation claim and do not include any evidence to support summary judgment on retaliation. Therefore, summary judgment on the retaliation claim cannot be granted at this time.

V. Conclusion:

Defendants' motion for summary judgment (#33) should be GRANTED, in part, and DENIED, in part. Defendants' motion for summary judgment regarding Ms. Watts's Title VII claims against Defendants in their individual capacities should be GRANTED and those claims should be DISMISSED with prejudice. Defendants' motion for summary judgment in their official capacities should be DENIED. Because questions of fact remain as to Ms. Watts's Title VII and retaliation claims, Defendants' motion for summary judgment on those claims should be DENIED.

Because Defendants did not move for summary judgment on either Ms. Watts's EPA or ADEA claim, those claims remain pending against Defendants in their individual and official capacities. Defendants' motion to strike (#46) is DENIED.

Dated, this 13th day of March, 2019.

s/ _____
UNITED STATES MAGISTRATE JUDGE

EXHIBIT

Designation of Official Work Station

I do hereby designate Pine Bluff, AR as my "official work station," for purpose of travel reimbursements from the Administrative Office of the Courts' Office. I understand that I may not claim mileage from my residence to my official work station. I also understand that it is my responsibility to update this designation if circumstances so require.

s/
Official Court Reporter

s/
Circuit Judge

6 - 29 - 15

Date

Please mail, email, or fax this form to Joyce French at the AOC no later than July 20, 2015.

Administrative Office of the Courts
Attn: Joyce French
625 Marshall Street
Little Rock, AR 72201
FAX: 501-682-9410
Email: joyce.french@arkansas.gov

**ORDER OF THE UNITED STATES COURT OF
APPEALS FOR THE EIGHTH CIRCUIT
DENYING REHEARING AND REHEARING EN BANC
(JUNE 8, 2022)**

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 21-2527

Ruby J. Watts,

Appellant

v.

Administrative Office of the Courts

John Stewart, Director of Finance and Administration, Individually, and
official Capacity and Andrea Lea, Auditor of State, Individually and in her
Official Capacity

Appellees

Does, Legislative Bureau Member of the Administrative Office of the
Courts, Individually and Official Capacity and Marty Garrity,

Appeal from U.S. District Court for the Eastern District of Arkansas –
Central

(5:16-cv-00302-JM)

ORDER

Appellant's petition for rehearing en banc is denied as over-length.

June 08, 2022

Order Entered at the Direction of the Court
Clerk, U.S. Court of Appeals, Eighth Circuit

/s/ Michael E. Gans

RELEVANT STATUTORY PROVISIONS INVOLVED

U.S. Constitution Art. III. Sec. 2:

The Judicial power shall extend to all Cases, in Law and Equity, arising under the Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority, to all Cases affecting Ambassadors, other public Ministers and Consuls; - to all Cases of admiralty and maritime Jurisdiction, to Controversies to which the United States shall be a Party; to Controversies between two or more states; between a State and Citizens of another State; between Citizens of different States; -between Citizens of the Same State, claiming land under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subject.

U.S. Constitution, Amendment V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when an actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limbs; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U.S. Constitution, Amendment VII:

In suits at common law where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

U.S. Constitution. Amend. XIV:

The 14th Amendment of the United States Constitution gives everyone a right to due process of law, which includes judgments that comply with the rules and case law. The Fourteenth Amendment states: No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.

Title VII of the Civil Rights Act:

Title VII of the Civil Rights Act of 1964 makes it unlawful to discriminate against someone on the basis of race, color, national origin, sexual orientation, gender identity, religion, sex, in hiring, firing, salary structure, promotion and the like. The Act also makes it unlawful to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Title VII prohibits not only intentional discrimination, but also practices that have the effect of discriminating against individuals because of their race, color, national origin, religion or sex.

A.C.A. § 16-13-505:

A.C.A. § 16-13-505(a)(1)

Pursuant to A.C.A. § 16-13-505, the official court reporters are entitled to reimbursement for actual expenses incurred for meals, lodging and transportation. Court reporters reimbursement for expenses.

§ 16-13-505(a)(1) A court reporter for a circuit court is entitled to reimbursement for actual expenses incurred for meals, lodging, and transportation costs for attending court away from the court reporter's official station. (2) Notwithstanding the exemption from state travel regulations provided by § 19-4-904, if a court reporter uses a personal vehicle for transportation, he or she is entitled to reimbursement for mileage at the same rate prescribed by the Department of Finance and Administration for executive branch employees.

29 U.S.C. § 206(d) The Equal Pay Act:

The Equal Pay Act of 1963 (Pub. L. 88-38) (EPA). The EPA which is administered and enforced by the EEOC, prohibits sex-based wage

discrimination between men and women in the same establishment who perform jobs that require substantially equal skill, effort and responsibility under similar working conditions. Both the EPA and the ADEA prohibits pay discrimination and disparate treatment on the basis of sex or age. EPA, 29 U.S.C. § 206(d); ADEA, 29 U.S.C. § 621.

AND

THE LILLY LEDBETTER FAIR PAY ACT of 2009 amended the Civil Rights Act of 1964 to declare that an unlawful employment practice occurs when: (1) a discriminatory compensation decision or other practice is adopted; (2) an individual becomes subject to the decision or practice; or (3) an individual is affected by application of the decision or practice, including each time wages, benefits, or other compensation is paid. Ledbetter allows liability to accrue, and allows an aggrieved person to obtain relief, including recovery of back pay, for up to two years preceding the filing of the charge, were the unlawful employment practices that have occurred during the charge filing. Or similar or related to practices that occurred outside the time for filing a charge. Applies the proceeding provisions to claims of compensation discrimination under the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973. The Ledbetter Act amends the Age Discrimination and Employment Act of 1967 to declare that an unlawful practice occurs when a

discriminatory compensation decision or other practice is adopted, when a person becomes subject to the decision or other practice, or when a person is affected by the decision or practice including each time wages, benefits, or other compensation is paid.

28 U.S.C. § 1332(a)
Diversity of Citizenship;
Amount in Controversy; Costs

The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum of or value of \$75,000, exclusive of interests and costs, and is between citizens of different states.