

(WW 21/2) CIVIL RIGHTS--SEXUAL HARASSMENT OF FEMALE MAINTENANCE WORKER (14)

Neshawn Moore v Metropolitan Water Reclamation District of Greater Chicago 02C-4040 Tried Jan. 18-27, 2005

VERDICT: \$885,000 (\$60,000 actual damages/future medical expenses; \$825,000 compensatory damages)
JUDGE: Magis. Nan R. Nolan (USDC, No. Dist. IL Eastern Division--Chicago)
PLTF ATTYS: Michael D. Robbins of Schlesinger & Robbins; John P. DeRose of John P. DeRose & Associates (Hinsdale) DEMAND: none
DEFT ATTYS: Robert L. Abraham and Margaret T. Conway of Metropolitan Water Reclamation District Law Dept. OFFER: none
PLTF MEDL: Dr. Mahesh Shah (Internist)
PLTF EXPERT: Hector Gonzalez, 139 LeMoyné Pkwy., Oak Park, IL (708-557-0942) (Psychotherapist)
DEFT EXPERT: Dr. Lyle H. Rossiter (Psychiatrist)

FACTS: Pltf F-27, a single mother, began working as a maintenance laborer for the Metropolitan Water Reclamation District at their Stickney facility in Jan. of 2000. She contended that she was subjected to a continuous atmosphere of sexual harassment that permeated deft's workplace, conduct which was engaged in both by co-workers and by supervisors. The harassment included a male co-worker repeatedly exposing himself to her, explicit and graphic sexual comments made to and about her, male employees entering the women's locker room, and supervisors taking bets over who would be first to have oral sex with her. Pltf claimed she first complained to her supervisor, who either ignored or made fun of her complaint. Pltf subsequently complained to the head "EEO" official at the district, who took seven months to commence an investigation. Pltf further alleged that the in-house investigation of her complaints by the EEO officials ignored credible, well-corroborated evidence of the sexual misconduct by her co-workers and supervisors, which resulted in patently false findings and inadequate recommendations. A female co-worker testified that the same man who exposed himself to pltf had exposed himself to her, and another female co-worker testified that she had complained about sexual harassment to the district and its EEO officer but they ignored her complaints. Pltf contended the nature, scope and extent of the sexual harassment constituted a continuing violation of Title VII and caused her to suffer emotional distress as well as physical injuries due to the stress. Defense argued that the pltf was not subjected to a sexually hostile work environment, deft exercised reasonable care in investigating pltf's complaints, certain incidents of sexual harassment were time barred, and pltf fabricated her story for secondary gain. Jury found in Special Interrogatories that three supervisors did discuss/bet on having oral sex with pltf. Jury deliberated 3.5 hours.

(WW 21/3) REAR END--ADMITTED NEGLIGENCE FOR TOLLWAY IMPACT AT TOLLBOOTH (1D)

Donna J. Gagliardo v Thomas P. Seidel 02L-3765 Tried Jan. 24-28, 2005

VERDICT: Not Guilty
JUDGE: Richard J. Elrod (Law Division)
PLTF ATTY: Mary Beth Wheeler DEMAND: \$100,000 ASKED: \$159,407
DEFT ATTY: Joel Stephen of Beverly & Pause (STATE FARM) OFFER: \$10,000
PLTF MEDL: Dr. Eugene Lipov (Pain Management); Dr. Jack Rozental (Neurologist); Jeanne Lapp, D.C. (Chiropractor)
DEFT EXPERT: Dr. Richard Tuttle (Rehab/Physical Medicine)

FACTS: April 7, 2000, pltf was stopped at a tollbooth in the westbound lanes of Interstate 90 when her vehicle was rear-ended by deft. Pltf F-42 attorney claimed the impact caused cervical and thoracic injuries with chronic headaches (\$84,202 medl. bills). Defense for M-29 home appraiser admitted negligence, but contested injury causation/extent, citing pltf's long history of chronic cervical and thoracic problems dating back to a 1993 car accident followed by several other mishaps. Pltf had undergone years of treatment including physical therapy, acupuncture and injections (prolotherapy, trigger point, epidural, caudal). Pltf suffered from herniated discs at C5-6 and T1-2. One juror was excused during trial after her father suffered a stroke.