

CIVIL RIGHTS--WATER WORKER'S SEXUAL HARASSMENT CLAIM WASHED OUT

(WW 47/4) *Delores Ammons-Lewis v Metropolitan Water Reclamation District of Greater Chicago* 03C-885 Tried: Jun. 9-21, 2005 (14)

Verdict: Not Guilty

Judge: Matthew F. Kennelly (USDC IL NE)

Pltf Atty: Jennifer K. Soule and Kelly K. Lambert of *Soule, Bradtke* Demand: \$803,313 Asked: \$500,000

Deft Atty: Kevin T. Lee, Carl K. Turpin and Riana N. Shipps of *Greene & Letts* and James B. Murray, Jr. of *Metropolitan Water Reclamation District Law Dept.* Offer: none

Pltf Medl: Dr. Sherrie Godbolt (Psychiatrist)

Pltf, a female operating engineer employed by deft Metropolitan Water Reclamation District, claimed she was subjected to an abusive and hostile work environment as a result of having been exposed to more than 25 pornographic magazines in the workplace, sexually explicit cartoons and jokes, and sexual comments by one of her supervisors on three separate occasions. She also contended she was attacked by a co-worker when she refused to submit to his sexual advances, the co-worker had propositioned her for sex for more than a year before the assault took place, the District failed to properly investigate her claim, and the District's EEO manager failed to return over 40 phone calls or address several written complaints from the pltf. The pltf's phone records and two faxes she sent were admitted into evidence. As a result of the hostile work environment, pltf F-47 suffered post-traumatic stress disorder and depression, causing her to miss nearly a year of work. Action alleged gender discrimination, retaliation and hostile work environment under Title VII, plus denial of equal protection under Section 1983 and violations of the ADA and FMLA. Court granted summary judgment on all counts except the Title VII hostile work environment claim and the Section 1983 "pattern and practice" claim. District supervisors testified that the pornographic magazines were removed from the workplace upon discovery, the attack by pltf's co-worker was actually an altercation between two co-workers who had been involved in a romantic relationship in the months leading up to the altercation, and both pltf and the co-worker were equally disciplined for fighting because supervisors could not determine who caused the altercation. Defense attacked pltf's credibility and introduced evidence to contradict her testimony that she had never had any form of romantic relationship with the co-worker who allegedly harassed her. The supervisor accused of making sexual comments denied making any such comments, and defense argued that the pltf failed to include allegations against the supervisor in any of her written complaints to the EEO manager. Defense further denied pltf was subjected to a hostile work environment because the alleged conduct was not subjectively offensive to pltf and not severe or pervasive as evidenced by pltf's failure to make written complaints concerning sexual harassment. Pltf reportedly testified she made only one written complaint concerning the harassment by the co-worker prior to the altercation, but she failed to retain a copy. On the first day of trial, Judge Kennelly granted deft's motion to bifurcate the hostile work environment claim from the Section 1983 pattern and practice claim. The trial proceeded on the Title VII hostile work environment claim, and the second phase of the trial would have addressed the Section 1983 claim. Jury deliberated approximately 8 hours before returning a verdict in favor of deft on the hostile work environment claim, based upon which the judge thereafter entered judgment in favor of the District on the Section 1983 claim.