

## The 2005 Sexual Harassment-Discrimination Report

This report summarizes the sexual harassment and discrimination results, cumulatively representing reported cases from 1998-2005. The verdicts are sorted from largest to smallest. 2005 verdicts are in bold.

<u>Case #</u>	<u>County</u>	<u>Verdict</u>	<u>Description</u>
2305 Plaintiff: Defense:	Montgomery Andrew Ruzicho Donald Wagner & Kymberly Wellons	\$790,000	Harassment claim masked as retaliation <i>Suffering: \$250,000</i> <i>Punitives: \$500,000</i>
207 Plaintiff: Defense:	Jefferson Douglas Morris & Lea Player Mark Floyd	\$602,999	Woman harassed at manufacturing plant by a co-worker. <i>Suffering: \$100,000</i> <i>Punitives: \$500,000</i>
603 Plaintiff: Defense:	Jessamine Sheila Hiestand & Leslie Vosc Donald Wagner	\$557,894	Bank branch manager discriminated against based on gender. <i>Suffering: \$41,000</i> <i>Punitives: \$500,000</i>
423 Plaintiff: Defense:	Warren Jerry Safford Michael Owsley	\$544,578	Hostile environment alleged at manufacturing plant. <i>Suffering: \$480,000</i> <i>Punitives: No issue</i>
2251 Plaintiff: Defense:	Fed-London Elizabeth & Henry Hughes Jason Williams & John Pruitt	\$460,000	Two plaintiffs alleged harassment by the Whitley County Jailer. Each took a total of \$230,000. <i>Suffering: \$50,000 each</i> <i>Punitives: \$105,000 each</i>
451 Plaintiff: Defense:	Fed-Bowling Green Dale Golden Winter Huff	\$451,000	Two school girls harassed by their teacher at Edmonson County High School. <i>Suffering: \$50,000 &amp; \$100,000</i> <i>Punitives: \$100,000 &amp; 200,000</i>
1315 Plaintiff: Defense:	Fed-Covington Randolf Preking & William Hicks Rachel Rouse & Amy Mitchell	\$275,000	Hooter's Girl alleges harassment by management. <i>Suffering: \$25,000</i> <i>Punitives: \$250,000</i>
202 Plaintiff: Defense:	Fed-Louisville Oliver Barber Robert Chenoweth	\$220,000	School girl pointed to the school system for failing to protect her from harassing conduct by fellow students. <i>Suffering: \$220,000</i>
1278 Plaintiff: Defense:	Fed-Lexington Larry Roberts & John Roach Larry Sykes & Kymberly Wellons	\$100,000	Non-sexual gender based hostile environment is alleged <i>Suffering: \$85,000</i> <i>Punitives: \$15,000</i>
1280 Plaintiff: Defense:	Fed-Lexington JoEllen McComb & Jane Fitzpatrick William Fogle	\$100,000	Four school bus drivers allege harassment within the Lexington school district transportation department. <i>Suffering: \$70,000 among four</i> <i>Punitives: \$30,000 among four</i>

**Sexual Harassment/Discrimination Report, continued**

1528	Franklin	\$98,000	Nurse blames hospital for surgeon's harassing behavior.
Plaintiff:	Roy Snell, Elizabeth Broyles & Larry Sword		
Defense:	Shannon Hamilton & Maurita Kamer		
1028	Floyd	\$95,000	Long-time nurse harassed by a co-worker, and then alleges the hospital failed to take steps to punish the offender.
Plaintiff:	Jerry Patton		<i>Suffering: \$95,000</i>
Defense:	David Enlow & Sarah Wright		
2108	Fed-Lexington	\$90,000	Prison lunch lady alleged harassment
Plaintiff:	Ned Pillersdorf		<i>Suffering: \$4,000</i>
Defense:	Allen McCartney		<i>Punitives: \$56,000</i>
265	Fayette	\$90,000	Two women at sanitation company fired because of their sex.
Plaintiff:	Robert Abell		<i>Only lost wages awarded</i>
Defense:	Dale Golden		
1364	Christian	\$75,736	Small-town female police officer alleges harassment by the mayor.
Plaintiff:	Walter Hawkins		<i>Suffering: \$10,000</i>
Defense:	Marvin Nunley		<i>Punitives: Rejected</i>
1245	Jefferson	\$75,000	Female electrician harassed by her co-workers.
Plaintiff:	Philip Kimball and James Groves		<i>Suffering: \$75,000</i>
Defense:	Dennis Shaw		
1413	Bullitt	\$51,083	DAV employee alleges harassment and slander. Defense prevailed on the harassment count, but plaintiff took damages only on slander.
Plaintiff:	Jerry Ulrich		
Defense:	Thomas Givhan		
3132	Washington	\$45,870	Two male employees at a manufacturing plant alleged same sex harassment. One plaintiff took \$25,000, the second being awarded \$20,870.
Plaintiff:	Jonathan Spalding		<i>Suffering: \$20,000 and \$10,000</i>
Defense:	Douglas Becker		
2462	Oldham	\$34,000	Working in a wallbox at KSR, a female prison guard was repeatedly harassed by a co-worker, including having him expose himself and later masturbate.
Plaintiff:	Vicki Buba and Melanie Straw-Boone		<i>Suffering: \$30,000</i>
Defense:	Jennifer Hatcher		
193	Jefferson	\$23,718	Personnel manager claimed during downsizing, jobs were found for men but not her.
Plaintiff:	Stephen Frockt		<i>Suffering: Zero - Only lost wages awarded</i>
Defense:	Edwin Hopson		
2796	Fed-Covington	\$15,000	A burly assistant convenience store manager was harassed by his petite female boss
Plaintiff:	Gary Winters		<i>Suffering: \$15,000</i>
Defense:	Robert Worley, Jr. & Shelly Sullivan		
1411A	Grayson	\$20,063	Female coach alleges principal's gender bias led to her not being hired for a position.
Plaintiff:	Jeffrey Walther		<i>Suffering: \$7,000 - Remainder is lost wages</i>
Defense:	Michael Owsley		

**Sexual Harassment/Discrimination Report, continued**

1692	Federal-Lexington	\$10,000	Clean-up crew chief for City of Danville made a homosexual advance on a young male worker in a He-Said, He-Said case of fact disputes. Verdict against city only, jury exonerating the boss. <i>Suffering: \$10,000</i>
Plaintiff:	Leslie Dean & David Guarnieri		
Defense:	Stuart Bennett for City Prcston Farmer for boss		
2860	Greenup	\$5,760	An office worker alleged same sex harassment. <i>Suffering: Rejected</i>
Plaintiff:	Jay Vaughn		
Defense:	Brian McCloud		
882	Christian	\$2,500	Female claimed she missed out on promotion opportunities as a result of her sex. <i>Punitives: Rejected - Only lost wages awarded</i>
Plaintiff:	Walter Hawkins		
Defense:	Daniel Kemp		
195	Jefferson	\$2,000	Alleged marital rape resulted in action under Violence Against Women Act. <i>Suffering: \$1,000</i> <i>Punitives: \$1,000</i>
Plaintiff:	Wallace Rogers		
Defense:	Gregory Butrum		
363	McLean	\$1,000	Young female summer employee harassed by co-worker. <i>Suffering: \$1,000</i> <i>Punitives: Rejected</i>
Plaintiff:	Christopher Hopgood		
Defense:	Marvin Nunley		
3049	Fayette	\$97	A waitress alleged sexual harassment. She lost that claim but did take \$97 for unpaid wages.
Plaintiff:	Oliver Barber		
Defense:	Matthew Boyd & Traoi Boyd		
3130	Warren	Directed	Dime store manager alleged sex discrimination. The company cited that she had a loaded gun in her purse.
Plaintiff:	Nancy Oliver Roberts		
Defense:	Keith D. Frazier, Elizabeth S. Washko & James D. Harris, Jr.		
3012	Jefferson	Fratzke	A seamstress alleged a pattern of harassment. A Fratzke timebomb was detonated at trial.
Plaintiff:	Thomas Clay & Garry Adams		
Defense:	Stuart E. Alexander, III & William J. Walsh		
2611	Federal-Pikeville	Zero	A male special education teacher alleged reverse gender discrimination.
Plaintiff:	Jonah Stevens		
Defense:	Michael Schmitt		
2538	Warren	Zero	Was a grocery store manager fired because of her gender or instead because of cash shortages?
Plaintiff:	Nancy Oliver Roberts		
Defense:	Timothy Edelen		
2427	Fayette	Zero	A elderly female Chemlawn telmarkcter was harassed by her boss who referred to her as the "fucking old bitch."
Plaintiff:	Andrew Ruzicho and Robert Abell		
Defense:	Barry Stilz and John Norris		
2558	Boyd	Zero	Three office workers at a weight-loss clinic alleged their physician employer created a sexually hostile environment.
Plaintiff:	Thomas Clay and Garry Adams		
Defense:	Rodney Justice		

**Sexual Harassment/Discrimination Report, continued**

2207	Warren	Zero	Reverse gender discrimination alleged in university hiring.
Plaintiff:	John Frith Stewart & Stephen Emery		
Defense:	Greg Stivers		
2075	Jefferson	Zero	High school principal alleged reverse race discrimination.
Plaintiff:	Samuel Hayward & Philip Kimball		
Defense:	Mitzi Wyrick & James Ballinger		
1828	Simpson	Zero	Factory worker alleged her boss forced sex upon her, conditioning her future employment upon consent.
Plaintiff:	Nancy Roberts & Eric Clark		
Defense:	George Harper, Mary Sharp & Gaines Penn		
1829	Warren	Zero	Phone bank worker complained of her boss who asked her out on several dates, remarking to another worker, "She's hot." No offensive language involved.
Plaintiff:	Jerry Safford		
Defense:	Marc Lovell		
1724	Oldham	Zero	Girlfriend asserted a quid pro quo claim against her boyfriend/boss of a landscaping business.
Plaintiff:	Philip Kimball		
Defense:	Juliette House		
1693	Fayette	Zero	Jury says one instance of a co-worker at UPS pulling down female plaintiff's sweat pants below her buttocks is not severe and pervasive harassment.
Plaintiff:	Bernard Pafunda & Louis Rom		
Defense:	Susan Lonowski & Winston Miller		
1279	Fayette	Zero	Female Apache helicopter mechanics allege gender bias in promotions.
Plaintiff:	David Marshall		
Defense:	Richard Griffith & Jeffrey Chapman		
1410	Nelson	Zero	Local sheriff accused of discrimination in failing to promote a female deputy.
Plaintiff:	Patrick Renn		
Defense:	Kenneth Nevitt		
1527	Fed-Frankfort	Zero	Same-sex harassment leaves female employee at a Lee's Famous Recipe claiming harassment.
Plaintiff:	William Sturm		
Defense:	Barbara Edelman & Mindy Barfield		
1337	Federal-Paducah	Zero	Waitress at a travel plaza alleges harassment by her manager.
Plaintiff:	Kenneth Haggard & Walter Hawkins		
Defense:	Mark Bryant		
1529	Shelby	Zero	Female workers at a car lot allege harassment by the boss.
Plaintiff:	John Carroll & James Bolus		
Defense:	David Guarnieri		
185	Jefferson	Zero	Manager at grocery store harassed by store owner.
Plaintiff:	Joseph Blandford		
Defense:	Kim Greene & Charles Hollis		
190	Lou-FDC	Zero	Pro se plaintiff allegedly fired because of her sex.
Plaintiff:	Pro se		
Defense:	Stephen Schuster		

**Sexual Harassment/Discrimination Report, continued**

192	Lou-FDC	Zero	Woman in downsizing claimed jobs found for men, but not her. Age discrimination element present as well.
Plaintiff:	Thomas Clay		
Defense:	Stephen Schuster		
196	Lou-FDC	Zero	Hostile environment conduct alleged at Philip Morris.
Plaintiff:	James Bolus		
Defense:	Douglas Becker		
795	Fayette	Zero	Hostile environment at computer repair shop is alleged.
Plaintiff:	Richard Rawdon		
Defense:	Perry Bentley & Kymberly Wellons		
276	Fayette	Zero	Secretary alleged harassment by her boss.
Plaintiff:	William Rambicure		
Defense:	Cheryl Lewis & Warren Scoville		
885	Logan	Zero	Secretary alleged she was propositioned and then retaliated against after rebuffing him.
Plaintiff:	Janet Crockcr		
Defense:	John McCracken		
421	B.G.-FDC	Zero	Hostile environment alleged at Kroger subsidiary.
Plaintiff:	Michael Breen		
Defense:	David Sandler		
427	Hardin	Zero	Woman at car lot is harassed.
Plaintiff:	Robert Heleringer & Paul Brizendine		
Defense:	Fred Fischer & Marvin Coan		
1030	Pike	Zero	Woman alleged the office manager was a secret bathroom Peeping Tom, and that the company failed to take steps to remedy it.
Plaintiff:	Herman Lester		
Defense:	Pamela May		
609	Bath	Zero	Hostile environment and quid pro quo alleged.
Plaintiff:	John Roach		
Defense:	William Fogle		

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### The Sexual Harassment-Discrimination Averages

A look at the 2005 results, averages and totals, plus combined eight-year numbers. The individual results are then broken down between harassment and discrimination cases.

#### 2000-2005 Totals

<u>Type</u>	<u>Cases</u>	<u>Won-Loss%</u>	<u>Aggregate Verdicts</u>	<u>Avg. Verdict</u>	<u>P's Average</u>
All 2004	5	3-2 60.0%	\$45,967	\$15,232	\$9,193
All 2004	2	2-0 100.0%	\$20,760	\$10,380	\$10,380
All 2003	5	1-4 20.0%	\$34,000	\$6,800	\$34,000
All 2002	5	3-2 60.0%	\$1,340,000	\$268,000	\$446,666
All 2001	5	1-4 20.0%	\$10,000	\$2,000	\$10,000
<i>2000 Sexual Harassment Totals by Category</i>					
Harassment	10	6-4 60.0%	\$723,736	\$72,373	\$120,622
Discrimination	3	1-2 33.3%	\$20,063	\$6,687	\$20,063

#### 1998-2005 Combined Totals

<u>Type</u>	<u>Cases</u>	<u>Won-Loss%</u>	<u>Aggregate Verdicts</u>	<u>Avg. Verdict</u>	<u>P's Average</u>
All Verdicts	57	28-29 49.1%	\$4,775,215	170,543	\$83,775
Harassment	41	22-19 53.6%	\$4,089,004	\$99,731	\$185,863
Discrimination	15	5-10 33.3%	\$694,175	\$46,278	\$138,835
Violence Against Women Act	1	1-0 100.0%	\$2,000	\$2,000	\$2,000

**Notes:** Why the disparity between the verdicts awarded in harassment versus discrimination cases? It seems logical to consider, that in the prevailing harassment case, plaintiff was subjected to vulgar and crude comments, offensive touchings or lewd displays, or some combination of both. The type of conduct, that while certainly denied by defendant, if believed by the jury, has the tendency to inflame juror emotions.

Conversely and generally in the discrimination case, the sex-based conduct is by comparison, much more benign. For instance, plaintiff, in every case in Kentucky, a woman, was simply not hired for a position based on her gender. While an injustice under our law, that conduct has the propensity to less inflame a juror than the plaintiff who day after day for years, is subject to all manner of offensive conduct.

**Sexual Harassment-Discrimination Verdict Ranges***2005 results in bold. 1998-2005 cases in regular type.***Harassment Verdict Ranges**

<u>Verdict</u>	<u>County</u>	<u>Case No.</u>
\$790,000	Montgomery	2305
\$602,999	Jefferson	207
\$554,578	Warren	423
\$460,000	Fed-Lon	2251
\$451,000	Fed-B.G.	451
\$275,000	Fed-Cov	1315
\$220,000	Fed-Lou	202
\$100,000	Fed-Lex	1278
\$100,000	Fed-Lex	1280
\$98,000	Franklin	1528
\$95,000	Floyd	1028
\$90,000	Fed-Lex	2108
\$75,736	Christian	1364
\$75,000	Jefferson	1245
\$51,083	Bullitt	1483
\$34,000	Oldham	2462
<b>\$25,000</b>	<b>Washington</b>	<b>3132</b>
<b>\$20,870</b>	<b>Washington</b>	<b>3132</b>
\$15,000	Fed-Cov	2796
\$10,000	Lexington	1692
\$5,760	Greenup	2860
\$1,000	McLean	363
<b>\$97</b>	<b>Fayette</b>	<b>3049</b>

**Discrimination Verdict Ranges**

<u>Verdict</u>	<u>County</u>	<u>Case No.</u>
\$557,894	Jessamine	603
\$90,000	Fayette	265
\$23,718	Jefferson	193
\$20,063	Grayson	1411A
\$2,500	Christian	882

**The Sexual Harassment/Discrimination Attorneys***A eight-year look at the attorneys who tried these cases.**It includes those who tried more than one case of the reported sample of fifty-seven cases.***Plaintiff's Counsel**

<u>Attorney, City</u>	<u>County</u>	<u>Case No.</u>	<u>Year</u>	<u>Verdict</u>	<u>Description</u>
Walter Aden Hawkins, Hopkinsville	Christian	1364	2000	\$75,736	Female police officer harassed by mayor
	Paducah	1337	2000	Zero	Waitress harassed at travel plaza
	Christian	882	1999	\$2,500	Discrimination at factory job
Philip Kimball, Louisville	Oldham	1724	2001	Zero	Quid pro quo at landscaping business
	Jefferson	1245	2000	\$75,000	Electrician harassed by co-workers
	Jefferson	2075	2002	Zero	Reverse race discrimination alleged by a white high school principal
Thomas Clay, Louisville	Fcd-Lou	192	1998	Zero	Woman downsized, but not the men
	Boyd	2558	2003	Zero	Doctor harassed employees
	Jefferson	3012	2005	Fratzke	Seamstress alleged sexual harassment
Nancy Oliver Roberts, Bowling Green	Simpson	2558	2001	Zero	Quid pro quo sex in a factory setting
	Warren	2538	2003	Zero	Grocery store manager fired because of her sex
	Warren	3130	2005	Directed	Dime store manager alleged gender discrimination
Andrew Ruzicho, Lexington	Montgomery	2305	2002	\$790,000	Harassment effectively masked as retaliation
	Fayette	2424	2003	Zero	Telemarketer harassed because of sex
Jerry Safford, Bowling Green	Warren	1829	2001	Zero	Boss acted phone bank worker out for dates
	Warren	423	1998	\$544,578	Hostile environment at factory
John Roach, Lexington	Lexington	1278	2000	\$100,000	Non-sexual gender based discrimination
	Bath	609	2000	Zero	Hostile environment at gas station
James Bolus, Louisville	Louisville	1529	2000	Zero	Harassment at a car dealership
		196	1998	Zero	Hostile environment at Philip Morris

**Defense Counsel**

<u>Attorney, City</u>	<u>County</u>	<u>Case No.</u>	<u>Year</u>	<u>Verdict</u>	<u>Description</u>
William Fogle, Mt. Sterling	Lexington	1280	2000	\$100,000	Four bus drivers alleged harassment
	Bath	609	2000	Zero	Hostile environment at gas station
Michael Owsley, Bowling Green	Grayson	1411A	2000	\$20,063	Female coach alleged not hired for boy's job
	Warren	423	1998	\$544,578	Hostile environment at factory
Kymberly Wellons, Lexington	Lexington	1278	2000	\$100,000	Non-sexual gender based discrimination
	Fayette	795	1999	Zero	Hostile environment at computer repair shop
	Montgomery	2305	2002	\$790,000	Harassment masked as retaliation
Donald Wagner	Jessamine	603	1998	\$557,894	Bank branch manager alleged discrimination
	Montgomery	2305	2002	\$790,000	Harassment masked as retaliation

**Sexual Harassment/Discrimination Attorneys, continued**

Stephen Schuster, Louisville	Louisville	190	1998	Zero	Pro se plaintiff alleged discrimination Woman downsized at a plant
	Louisville	192	1998	Zero	
Douglas Becker	Louisville	196	1998	Zero	Hostile environment conduct alleged at Philip Morris. <b>Two male manufacturing employees alleged same sex harassment</b>
	Washington	3132	2005	\$20,870	
		3132	2005	\$25,000	

**Plaintiff & Defense Counsel both**

Dale Golden, Lexington	Fed-B.G.	451	1998	\$451,000	High school girls harassed by teacher (For plaintiff) Sanitation company employees fired (For defendant)
	Fayette	265	1998	\$90,000	
David Guarnieri, Frankfort	Lexington	1692	2001	\$10,000	Homosexual advance in City of Danville (For plaintiff) Harassment at a car dealership (For defendant)
	Shelby	1529	2000	Zero	

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