

VERDICTS & SETTLEMENTS

FRIDAY, FEBRUARY 18, 2003

EMPLOYMENT LAW

Sexual Harassment

Hostile Work Environment

VERDICT: \$1,125,000

CASE/NUMBER:

*Parquete Hamilton v. First Transit Inc.,
Michael Douglas / BC262304*

COURT/DATE:

Los Angeles Superior Central /Jan. 16, 2003

JUDGE: Hon. Victor H. Person

ATTORNEYS:

Plaintiff — **Peggy Roman-Jacobson (Alan
Burton Newman, Prof. Law Corp., Marina
del Rey).**

Alan B. Newman (Law Offices of Alan B.
Newman, Marina del Rey)

Defendant — Stephen Nakata (Louie,
Almeida & Stettler, Sherman Oaks)

TECHNICAL EXPERTS:

Plaintiff—Anthony E. Reading PhD (technical)

FACTS:

The subject sexual harassment suit was initiated by plaintiff Parquete Hamilton, against her supervisor, Michael Douglas and her employer, First Transit Inc. First Transit operates buses for the Metro Transit

Authority. In March 2001, the plaintiff was promoted from a bus driver position to a staff position working with Douglas on a daily basis in a trailer office. At this time, the alleged conduct of which the plaintiff complained began.

In July 2001, the plaintiff reported the defendant Douglas' conduct to Douglas' supervisor, Jeffrey Moore, the operations manager. Moore refused to investigate the matter and in order to avoid the continued harassment, the plaintiff returned to being a bus driver at a decrease in pay.

In October 2001, the plaintiff reported the sexual harassment to her union and the general manager, Steve Connell. Despite employee witness verifications that some of the alleged conduct took place, the defendant Douglas was never disciplined and was never relocated. The plaintiff had requested that the defendant be transferred to another location because she was obliged to come into contact with him on a daily basis on checking in and out to the work site. The plaintiff could not herself transfer to another location, as the defendant employer knew, without losing her union seniority rights. The conduct complained about began on a regular basis after March 2001 and consisted of a series of obscene and vulgar statements, sexual propositions and offensive touching and masturbation.

PLAINTIFF CONTENTIONS:

The plaintiff claimed that she was sexually

harassed over a four-month period by the defendant. This was reported on two occasions and no action was ever taken. The defendant conducted a two-day investigation but did not interview any of the female bus drivers at the worksite. Despite a request by the union that Douglas be transferred to another location, the management refused to do so. Upon advice from corporate human resources, the management required to get the parties together to work it out. As of the date of trial, Douglas was never transferred and no sexual harassment training has ever been offered to the drivers.

DEFENDANT CONTENTIONS:

The plaintiff contended the defendant corporation took no interest in the plaintiff's allegations, other than to inquire as to the large cost of the legal fees. The defendants contended that defendant Douglas did not sexually harass the plaintiff and that defendant First Transit had conducted an investigation pursuant to its policy, that because of the unreliability of the only witness, the investigation was inconclusive and therefore no action was taken.

JURY TRIAL:

Length, eight days; Poll, 10-2 (liability and compensatory damages), 9-3 (punitive damages);

OTHER INFORMATION:

A mediation was held before private mediator, Gig Kyriacou of Toluca Lake.