

TEXAS**GALVESTON COUNTY****EMPLOYMENT**

Retaliation — Sexual Harassment — Wrongful Termination

Receptionist alleged sex harassment by her superiors

AMOUNT \$20,000**CASE** Jennifer White v. Refractory Construction Services Co., LLC**COURT** Galveston County District Court, 10th, TX**DATE** 9/26/2019**PLAINTIFF(S)** Jennifer White (Female, 39 Years)**PLAINTIFF****ATTORNEY(S)** Peter Costea; Law Office of Peter Costea; Houston TX for Jennifer White**DEFENDANT(S)** Refractory Construction Services Co. LLC**DEFENSE****ATTORNEY(S)** Spencer G. Markle; Markle DeLaCruz LLP; Houston, TX for Refractory Construction Services Co. LLC
Delia C. Rivera; Markle DeLaCruz LLP; Houston, TX for Refractory Construction Services Co. LLC

FACTS & ALLEGATIONS On July 21, 2016, plaintiff Jennifer White, 39, a receptionist and office clerk, was fired from her position in the Corpus Christi office of Kemah-based Refractory Construction Services Co. LLC. White sued the company. She alleged sexual harassment and retaliation. White claimed that the company's manager and owner sexually harassed her and that she was fired in retaliation for not giving in to their advances. White testified that the manager of the Corpus Christi office persistently asked her out on dates, phoned her in the middle of the night and referred to some women as "hoes." She testified that the owner, when he visited Corpus Christi, would make sexual comments to her and invite her to his room or onto his boat. Plaintiff's counsel argued that the company had no training or policies to prevent or address sexual harassment. Plaintiff's counsel further argued that White was an excellent employee. He noted that her hourly wage increased from \$16 to \$23 during her employment. Although she received verbal warnings and one written warning concerning her performance in the last six months of her employment, plaintiff's counsel argued

that the warnings were in retaliation for not giving in to her manager's advances. White's manager and the owner denied sexual interest in White and contended that the alleged harassment was nothing more than flirtatious banter. They claimed that it was mutual and that White appeared to enjoy it. They denied retaliation and maintained that White was fired for being chronically late and absent, as well as for padding her hours, making unauthorized purchases on the company credit card and insubordination. Defense counsel argued that White cultivated and encouraged a friendship with the owner in the belief that it would enable her to slack off without being fired. Defense counsel argued that White even taunted the manager about it.

INJURIES/DAMAGES White claimed that she was subjected to harassment and was fired. She was earning about \$47,000 before being dismissed and was still unemployed at the time of trial. She testified that, as a result of the harassment and her termination, she experienced weight gain and hair loss, as well as depression and difficulty sleeping, and she became withdrawn. White sought back pay and past compensatory damages. The company sought a finding that, at all relevant times, it had fewer than 101 employees, which would limit the compensatory damages to \$50,000. White denied that the company had fewer than 101 employees.

RESULT The jury found sexual harassment and awarded White \$20,000, for compensatory damages only. The jury did not find retaliation. The jury found that the company had fewer than 101 employees at all relevant times, but the finding was moot.

JUDGE Kerry L. Neves**TRIAL LENGTH** 4 days**TRIAL DELIBERATIONS** 4.5 hours**JURY VOTE** 10-2**JURY COMPOSITION** 6 male, 6 female**EDITOR'S COMMENT** This report is based on information that was provided by plaintiff's and defense counsel.