



Race Discrimination

NEW JERSEY COURT REJECTS BID FOR NEW TRIAL FOR BLACK WORKERS AWARDED \$1.8 MILLION

PHILADELPHIA—A New Jersey state court Jan. 20 turned down the state's request for a new trial on race discrimination claims by three present and former black state workers who were awarded damages of \$1.8 million in December 1994 after a lengthy jury trial (*Sampson v. New Jersey*, NJ SuperCt, No. HNT-L-964-91, 1/20/95).

At a hearing on post-trial filings, Judge Edmund R. Bernhard of the Hunterdon County Superior Court denied the state's motions for judgment notwithstanding the verdict or a new trial and a reduction in the jury awards to the three plaintiffs, which totaled \$910,000 in compensatory damages and \$757,500 in punitive damages, according to court records.

The state is also required to pay prejudgment interest of \$156,000 on the compensatory awards, an amount approved by the court Jan. 5, according to attorney Robert B. Woodruff of Rand Algeier Tosti & Woodruff in Morristown, N.J., who represented plaintiff Annie Sampson.

The court did not rule immediately on the issue of attorneys' fees. Woodruff said the three law firms that represent the plaintiffs have applied for counsel fees totaling about \$488,000, and are also seeking enhancements that could double the fee award.

Racially Hostile Work Environment Alleged

Sampson and two men who worked with her in 1989 at the Hunterdon Developmental Center, a state residential facility for the developmentally disabled, sued the state and nine HDC supervisors in 1991 under the New Jersey Law Against Discrimination. The plaintiffs alleged a racially hostile work environment at HDC and retaliatory acts against them by supervisors violated the state's anti-discrimination law.

Woodruff said HDC supervisors took no effective action when the plaintiffs complained about racial taunts and other discriminatory conduct by co-workers, including two hostile notes to Sampson on HDC letterhead signed "KKK." After the plaintiffs began reporting the racial incidents, supervisors retaliated by subjecting them to strict workplace surveillance, Woodruff said.

After a 28-day trial and three days of deliberations, the jury Dec. 16 found the state liable for the racially hostile work environment at the center and retaliatory conduct against Sampson and the two other plaintiffs, Charles Bennett and Donald Greenfield. All three were employed at HDC as cottage training technicians in charge of meeting the day-to-day needs of the center's residents, Woodruff said.

He said the two plaintiffs who quit their jobs because of the harassment were awarded damages for past and

future lost earnings and pain and suffering, in the amount of \$575,000 to Sampson and \$285,000 to Greenfield. Bennett, who still works at HDC, received a compensatory award of \$50,000 for pain and suffering.

The state and the center's two top supervisors were also found liable for punitive damages in the case. After a brief hearing on the punitive damages portion of the case Dec. 19, the jury awarded each of the plaintiffs \$250,000 from the state, \$1,500 from HDC Chief Executive Officer William Wall, and \$1,000 from Assistant CEO Leonard Crouce, according to Woodruff.

He said the plaintiffs offered to settle the case for \$290,000 at the start of the trial and for \$450,000 a week later, but the state capped its settlement offer at \$250,000.

Deputy Attorneys General Donald Catinello and Perry Lattiboudere, who represented the state, could not be reached for comment.

Bennett is represented by Phillipsburg, N.J., attorney James L. Pfeiffer. Leonard J. Artigliere of Curzi & Artigliere in Phillipsburg represents Greenfield.

Race Discrimination

NEW TRIAL SOUGHT ON \$1 MILLION VERDICT FOR BLACK DENIED DEALERSHIP IN WHITE AREA

ATLANTA—BP Oil Company Inc. asked a federal judge Jan. 19 to set aside a \$1 million jury verdict and grant a new trial in the discrimination case of an Atlanta businessman who claimed the gasoline retailer denied him a dealership in a predominantly white neighborhood because he is black (*Howard v. BP Oil Co. Inc.*, DC NGa, No. 1:91-CV-3231, 1/19/95).

Cornelius Howard sued BP in 1991 after he claimed it would not sell him a dealership in north Atlanta and instead offered him one in a mostly black section of south Atlanta. In mid-December, an all-white jury agreed and awarded Howard \$954,000 in punitive damages and \$106,000 in compensatory damages.

The case is not one of strict employment discrimination because as a dealer, Howard would have been an independent businessman and was not seeking to have an employer/employee relationship, said attorney Pat Nelson, who represented Howard. But in the sense that Howard was denied an employment opportunity it constituted an employment case, he said, and was tried very similarly.

The case was brought under 42 USC 1981, the Reconstruction-era civil rights statute, which essentially says blacks shall have the same rights as whites to make and enforce contracts, Nelson said.

"We always viewed it as an employment case," Nelson told BNA. "It's almost indistinguishable from failure to hire. It's just failure to hire a franchisee as opposed to an employee. He would not have been an employee per se, but the procedures were similar."