

METROPOLITAN LIFE INSURANCE COMPANY CLEARED OF SEXUAL HARASSMENT CLAIM

New York, New York October 5, 2000

No Damages for Former Agent Who Accused Her Manager of Assault

A Federal jury in Manhattan today cleared Metropolitan Life Insurance Company of a sexual harassment claim brought by Min Jin, a former insurance agent for the company. The plaintiff, a native of China, accused her immediate manager of inappropriate sexual conduct, which, by the time of trial, had grown into a story of routine, scheduled sexual assaults. In her deposition, Jin had claimed that, aside from calling her 'honey' and 'sweetheart', no one had actually seen the manager harassing her because, she said, he was careful not to do anything in front of anyone. Just before the start of the trial, however, Jin identified three witnesses who would partially corroborate her claim by testifying that they had witnessed the manager grabbing Jin's buttocks in the corridor of the Met Life building after a business meeting. Jin's own recollection of events had also expanded well beyond her deposition. She claimed at trial that her manager had demanded that she attend a regular Thursday evening meeting with him behind a closed door, which, she claimed was locked from the outside. During these regular meetings, Jin claimed the manager demanded that she have sex with him, tried to take her clothes off, exposed himself and forced her to fondle him until he had an orgasm and then he would let her go. Jin claimed that this went on week after week for months and that she told the office manager about it and later the doctors handling her disability claim. The office manager, however, testified that Jin never reported anything to her, and patient privacy issues prevented Met Life from learning anything about Jin's medical problems related to her disability claim.

The defense attacked Min Jin's credibility from the outset. It was preposterous for Jin to claim that she experienced what amounted to a sexual assault, week after week, and yet there was no record of it ever having been reported to anyone at Met Life. It just didn't make sense that anyone would engage in such conduct, week after week, with 20 to 25 other agents on the other side of the door, and Jin never explained how the door could be locked from the outside when both she and the manager were inside the office. The defense also pointed out that the three new 'corroborating' witnesses, two of whom did not speak English, all told exactly the same story, down to who was walking in front of whom, and who said what, some six years after the event.

The defense also attacked the plaintiff's credibility on several other fronts. Jin claimed, for example, that she was never given Met Life's sexual harassment policy and did not know English well enough to look it up. But this did not square with the fact that she had a master's degree in library science and had worked at the Columbia University library prior to her tenure at Met Life. Jin's claim that she did not know how to complain about the alleged harassment was made all the more incredible by the fact that she had complained earlier about sexual harassment by another Met Life manager who had recently ended an affair with her, charges that she later decided to drop.

Jin's work history did not help her credibility either. She had taken disability leave three times in as many years, and although she started off well, she was not booking any new business at the time of the alleged harassment. During one of her disability leaves she made a two month trip to China, supposedly to visit her sick father.

The jury saw through Jin's fabrications and returned a verdict for Met Life .

Litigation Strategies assisted Proskauer Rose attorney, Steve Obus, with pre-trial jury research, strategy consultation and jury selection.

- Strategic Research
- Witness Preparation
- Demonstrative Exhibits



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