

MICHIGAN JURY RETURNS THE LARGEST SEXUAL HARASSMENT AWARD IN U.S. HISTORY

Wayne County, Michigan July 19, 1999

Jury Sends a Strong Message to Daimler-Chrysler

A Wayne County jury today returned a verdict against the Daimler-Chrysler AG, awarding \$21 million and interest dating back to 1994. The jury found that the plaintiff, Linda Gilbert, the first woman millwright ever employed at Daimler-Chrysler's Jefferson North Assembly plant was continually harassed with crude remarks and conduct, which included urine found on her chair in the locker room, cartoons depicting her in various sexual acts, and a picture of male genitalia taken with a Polaroid camera that was left on her lunch bucket. At first, company executives denied that there had been any sexual harassment. But when they were confronted during their cross examination with the crude cartoons and a 3 by 4 foot blowup of the Polaroid penis, none could deny that sexual harassment had taken place.

Michigan law and Daimler-Chrysler's policy mandated an investigation and that the situation be remedied. Chrysler officials, however, did little more than call the men in, give them the policy and told them to stop. But the harassment continued for more than seven years. The plaintiff called one of Linda's co-workers who had retired recently from the company. This gentleman told the jury that it was the worst case of sexual harassment that he had ever seen; that the harassment went on day after day; that the company knew about it and did very little to stop it. He told the jury that he had taken Linda home many times, crying, because of the treatment she was receiving from her fellow millwrights.

Daimler-Chrysler's attorney contended that only a few incidents had been reported; that the harassment was minor and the incidents few and far between. The company further claimed that it did investigate but could not find the perpetrator and that the plaintiff would not tell the company who was doing it. Chrysler's attorney asked, "What else could the company do?" We had the answers: Get a private investigator and do a real investigation; set up cameras; or put a confederate on the job to find out who was doing the harassment; and don't pretend that it's the plaintiff's job to do the investigation.

Since Linda persevered and did not quit or get fired during the harassment, plaintiff's damage argument focused on her mental state and her return to alcoholism. The defense claimed that Linda's psychological depression and alcoholism were long standing problems prior to the time that she came to work for Chrysler. The evidence indicated that Linda had sought psychological help for her alcoholism and depression prior to coming to Chrysler. Her therapist, however, testified that she was in remission when she went to work for Chrysler. Most important, the Daimler-Chrysler executive who hired Linda had to admit that Chrysler does not ordinarily hire alcoholics who are not in remission, and there was no evidence that Chrysler had hired Linda while she was an active alcoholic. There was substantial evidence in her psychiatric records, however, that the sexual harassment that Linda experienced while at Chrysler was a major source of her depression and return to drinking.

The jury's verdict came as a complete shock to Chrysler officials who had offered to settle the case, which had mediated for \$100,000, for \$15,000. Now they are on the hook for about \$42,000,000.

Litigation Strategies, Ltd., assisted attorney, Geoffrey Fieger, in jury selection and strategy development for this case.

- Strategic Research
- Witness Preparation
- Demonstrative Exhibits



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