

Sexual Harassment

American Sugar Worker Scores 'Historic' \$13M Harassment Win

American Sugar Holdings Inc. was told by a federal jury that it must pay a refinery worker in Yonkers, N.Y., more than \$13 million for sexual harassment she faced at the hands of her supervisor.

The March 2 verdict in favor of Rosanna Mayo-Coleman shows the level of legal exposure companies may face in the #MeToo era if they are found to have not done enough to prevent workplace sexual harassment or to eliminate it when a worker reports that she has been harassed. The \$11.7 million punitive damages portion of the \$13.4 million award the Manhattan-based jury levied on the raw cane sugar and sugar syrup refiner may signal an intent to try to deter future sexual harassment by American Sugar and other New York employers. American Sugar owns the Domino Sugar, Florida Crystals, and other brands.

It's a "historic verdict," one of Mayo-Coleman's attorneys said March 6. "The jury is sending a clear message to companies about where these types of cases are moving" and "how intolerable they find sexual harassment in the workplace," Nathaniel K. Charny told Bloomberg Law.

"Time is up. It's not the '80s or '90s anymore," he said. Charny is with Charny & Wheeler in Rhinebeck, N.Y.

"Ms. Mayo-Coleman fought for her rights, and the rights of all women to work in a harassment-free environment," Megan Goddard, who argued the case with Charny, said in a March 6 written statement. Goddard is with Goddard Law PLLC in New York.

Mayo-Coleman initially filed the lawsuit on her own before later hiring Goddard, Charny said. The outcome in the case is a credit to Mayo-Coleman's perseverance in bravely showing up for work every day, despite her supervisor's harassment and American Sugar's inaction, he said. It's people like her who have advanced the #MeToo movement. Mayo-Coleman has been "completely vindicated by this verdict," Charny said.

"We are aware of the jury's findings and dispute the validity of the claims as we have since the onset of this case," Peter O'Malley, vice president of American Sugar Refining Inc., said in a March 6 email. "We work hard to ensure a culture of respect within our organization and will continue to pursue all legal options available to us."

Judge Paul A. Crotty of the U.S. District Court for the Southern District of New York presided over the four-day trial.

Jury Says Federal, State Law Violated The jury found that the sexual harassment Mayo-Coleman testified to violated both federal and New York state law. Mayo-Coleman said the harassment started about six months after Tyrone Smith became her supervisor in early 2008. A store room attendant, she had worked at the Yonkers sugar refining plant for 20 years by that time.

Smith regularly made comments about how Mayo-Coleman would look good on his arm and asked if he could take her to dinner, she alleged in her July 2014 amended complaint. Smith's sexual pursuit of her grew stronger and stronger each time she rejected his advances and he began leering at her and "raping her with his eyes," she said.

Smith ultimately began retaliating against her for rejecting his advances, Mayo-Coleman said, including by telling dirty jokes about her in her male-dominated workplace. He also restricted her to performing cleaning duties only, assigned her disproportionately more work than other store room attendants, and withheld her pay, Mayo-Coleman said.

The jury also saw evidence that Mayo-Coleman was one of only a few women in a workforce of more than 150 men at the plant, Charny told Bloomberg Law. It also heard evidence of management's failure to protect Mayo-Coleman from Smith's harassment, he said.

Along with the \$13.4 million in punitive damages, Mayo-Coleman was awarded \$1.7 million in compensatory damages. The latter award is "enormously large" on its own for an hourly worker and shows "the jury found she suffered tremendously" as a result of the harassment and the company's failure to act, Charny said. The jury heard medical testimony on the emotional toll the experience had on his client, he said.

Is Time Up for Damages Cap as Well? While the jury's \$13.4 million combined award is believed to be among the largest in the state in a sexual harassment case involving a single plaintiff, Charny isn't likely to see all that money.

Federal workplace sexual harassment law limits at \$300,000 the damages that may be imposed against a company the size of American Sugar. That means her punitive damages recovery will be capped by Title VII of the 1964 Civil Rights Act because the state law the jury also found the company violated doesn't allow for punitive damages. The \$1.7 million compensatory award, on the other hand, will be subject to reduction only at the

court's discretion, assuming the court apportions it all under the state law.

And Mayo-Coleman will be asking the court to award her prevailing party attorneys' fees and costs.

The fees application is expected to be for "hundreds of thousands of dollars," Charny said. Interest also will be added to the award, which may increase the final judgment by as much as another \$500,000, he said.

Charny also thinks it may be time to re-examine Title VII's damages caps, which apply in other federal job discrimination cases as well, not just when sexual harassment is found.

Congress last looked at those caps more than 25 years ago, Charny said in the March 6 written statement. "As the public turns its attention to policies governing sexual harassment in the workplace, the unjust

results of a statutory cap in this case points to the urgent need for legislative reform," he said.

Gabrielle Vinci of Nesenoff & Miltenberg LLP in New York also represented Mayo-Coleman. Carol J. Faherty and David S. Poppick in Stamford, Conn., and Kenneth J. Kelly and Robert D. Goldstein in New York, all of Epstein, Becker & Green P.C., represented American Sugar.

The case is *Mayo-Coleman v. Am. Sugar Holdings Inc.*, S.D.N.Y., No. 1:14-cv-00079, jury verdict 3/2/18.

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