

The Federal Employee Advocate

Vol. 1, No. 15 –December 10, 2007

(Updated May 19, 2009)

Court Awards of Emotional Distress Damages Exceeding \$100,000.00

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This is a second of two articles discussing awards of over \$100,000 for emotional distress injuries suffered because of wrongful discrimination. The first article discussed awards of emotional distress in Federal employee cases by the U.S. Equal Employment Opportunity Commission. This article will discuss emotional distress awards by Federal and State Courts.

In 1991, the Civil Rights Act was amended to provide victims of discrimination compensation for emotional distress. Since that time, employees and employers have struggled in settlement negotiations to determine what is reasonable compensation for the emotional distress. Negotiations have been difficult because unlike all other litigation, virtually all settlements in discrimination cases are confidential. The confidential settlements have made it difficult for anyone to know what is the standard settlement practice when settling emotional distress claims. When parties to litigation are unable to reach a settlement agreement, either a Judge or a jury will solve the dispute with an award for emotional distress compensation. Fortunately, we now have a growing body of EEOC and court decisions awarding emotional distress compensation that allows us to predict better the emotional distress award if a case goes to trial. With the knowledge of the potential outcome in court, it is becoming easier for parties to reach an agreement on a reasonable settlement amount for emotional distress.

The cases below are provided to assist you evaluate the possible verdict range based on the facts in your case:

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Fogg v. Ashcroft, 254 F.3d 103 (D.C.Cir. 2001)(Racially hostile work environment over ten years; failure to promote 12 of 13 times: **\$4,000,000** award reduced to **\$300,000** due to cap.) *

Griffin v. City of Opa-Locka, 261 F.3d 1295(11th Cir. 2001)(**\$2 million** award to a woman who was sexually harassed during a four-month period and was raped by her manager.)

Donnell v. England, US Department of the Navy, 2005 U.S. Dist. LEXIS 4647 (D.D.C.)(Failure to promote; retaliation: **\$2,000,000** verdict on seven counts of discriminatory and retaliatory failure to promote; judge set aside verdict on five counts and held that **\$300,000** award as to remainder didn't shock his conscience). *

Watson v. Department of Rehabilitation, (1989) 212 Cal.App.3d 1271 (**\$1.6 million** award for race and age discrimination not excessive.)

Hubis v. Burns Pontiac GMC, No. 98-CV-1360, 2001 WL 34031303 (D.N.J. March 12, 2001) (Jury awarded plaintiff **\$1.5 million** for hostile work environment sexual harassment and gender discrimination based, in part, on her supervisor exposing himself to her twice and demoting her, motion for new trial or, in the alternative, remittitur pending.)

Ramirez v. N.Y.C. Off-Track Betting Corp., 1996 U.S. Dist LEXIS 5715 (S.D.N.Y. April 30, 1996), *aff'd in relevant part and rev'd in part*, 112 F.3d 39 (2d Cir. 1997)(Title VII case, the jury award of **\$1,434,375** for pain and suffering was remitted to **\$500,000**. Substantial evidence demonstrated that the loss of employment and benefits and the emotional pain from being arbitrarily and summarily dismissed aggravated plaintiff's psychological condition to such an extent that he ceased to be able to function in society. The court also noted that there was substantial evidence that these effects would persist into the indefinite future.) #

Sogg v. American Airlines, 193 A.D.2d 153, 603 N.Y.S.2d 21 (1st Dep't 1993)(Affirming trial court's remitter of the award for mental anguish from **\$1,125,000** to **\$400,000** where the plaintiff was denied a promotion and subsequently fired for discriminatory reasons.) #

Passantino v. Johnson & Johnson Consumer Prods., Inc., 212 F.3d 493 (9th Cir. 2000) (Affirming **\$1 million** emotional distress award for sexual harassment where plaintiff "worried, cried, and felt trapped and upset," spent less time with her family, suffered stomach problems, rashes and headaches, and sought counseling with her pastor.)

Lockley v. State of N.J., L-031965-94 (N.J. Law Div., Mercer County, Jan. 1997) (Jury awarded male prison guard **\$750,000** in compensatory damages and \$3 million in punitive damages for reverse sexual harassment by female supervisor.)

Baker v. John Morrell & Co., 266 F.Supp.2d 909 (N.D.Iowa, 2003) Award of **\$735,000.00** in past and future emotional distress damages to female employee, who was subject to sexual harassment, retaliation, and constructively discharged in violation of Title VII and the Iowa Civil Rights Act (ICRA), was not excessive, given the years of unremedied harassment to which employee was subjected, employee's long-time relationship with employer, the severity of harassment, employer's disregard for her rights, and the toll that unlawful conduct took on employee's emotional and physical health. Award of \$250,000.00 for past emotional distress and \$50,000.00 for future emotional distress; on her retaliation claim, \$75,000.00 for past emotional distress and \$10,000.00 for future emotional distress. The jury also awarded \$150,000.00 for past emotional distress and \$200,000.00 for future emotional distress for Plaintiff's constructive discharge. The jury awarded \$14,470.24 for Plaintiff's past medical expenses and \$90,000.00 for future medical expenses on her sexual harassment claim. The jury found that Plaintiff was entitled to a \$33,314.73 award for backpay. Finally, the jury assessed a sizable punitive damages award of \$600,000.00 for sexual harassment and \$50,000.00 for retaliation. The Clerk of Court entered judgment in the amount of \$1,522,784.97 on October 2, 2002.

Zojourner v. Brown, 2005 U.S. Dist. LEXIS 19995 (D.D.C.)(**\$650,000** award, retaliation; plaintiff described as in "fragile emotional condition.") *

Bihun v. AT & T Information Systems, Inc. (1993) 13 Cal.App.4th 976 (**\$662,000** award for emotional distress for sexual harassment not excessive, disapproved on other grounds by **Lakin v. Watkins Associated Industries** 6 Cal. 4th 644, 664 (1993))

Stanisz v. Federal Exp. Corp. 2003 WL 21660885, Mich.App., 2003., July 15, 2003 (In a sexual harassment case, the Appeals court upheld a noneconomic damage award of **\$600,000.**)

Layton v. New Jersey Turnpike Auth., N.J.L.J. (June 12, 2000) (Jury awarded toll collector **\$590,000** for the emotional distress she suffered from her supervisor's unwanted physical advances.)

Caridi v. Port Auth. of N.Y. & N.J., W-019262-89, 1992 WL 1474162 (N.J. Law Div., Hudson County, Oct 1992) (Jury awarded police officer **\$500,000** for emotional distress resulting from sexual harassment in form of inappropriate work assignments, unfounded departmental charges and inadequate supervision by her supervisors of sexual harassment by co-workers.)

Martini v. Fannie Mae, 977 F.Supp. 464 (D.D.C. 1997), rev'd on other grds, 178 F.3d 13336 (D.C. Cir. 1999)(Daily gender-based harassment for long period of time; retaliatory inaction followed by firing and escort out of building by police; physical symptoms; **\$500,000.**) *

Matter of Town of Hempstead v. State Div. of Human Rights, 649 N.Y.S. 2d 942 (2d Dep't 1996)(The court affirmed compensatory awards of **\$200,000** to **\$500,000** for

sexual harassment plaintiffs even through there was no indication that they had sought therapy.) #

Jenkins v. American Red Cross, 141 Mich.App. 785, 798-99, 369 N.W.2d 223, 230 (1985)(Upholding **\$500,000** emotional distress award.)

New York City Transit Auth. V. State Div. of Human Rights, 78 N.Y.2d 207, 573 N.Y.S. 2d 49 (1991) *on remitter*, 181 A.D. 2d 891, 581 N.Y.S. 2d 426 (2d Dep't 1992)(Upholding an emotional distress award of **\$450,000** where there were four separate episodes of sex-based discriminatory conduct, causing her mental anguish, guilt, depression and anger. The plaintiff's detailed testimony was supported by her doctor's testimony and medical evidence. In one episode, the Transit Authority refused her doctor's pregnancy-related request that she be allowed to stop driving a bus; a miscarriage followed causing guilt and depression.) #

Ramseur v. Barreto, 213 F.R.D. 79 (D.D.C. 2003)(Retaliation; bad assignments and evaluations; concededly "intolerable" work environment: **\$480,000** award, Remittitur to **\$300,000** due to cap.) *

Wilmington v. J.I. Case Co., 793 F.2d 909 (8th Cir. 1986) (Affirming **\$400,000.00** jury award for emotional distress where "[the plaintiff's] testimony as well as that of other witnesses tended to show a deterioration in his health, mental anxiety, humiliation, and emotional distress resulting from the conditions under which he worked ... and from the discharge.")

Wilson v. General Motors Corp., 183 Mich.App. 21, 454 N.W.2d 405 (1990) (Plaintiff presented no "expert testimony regarding her mental distress but only testimony as to her own subjective feelings," the appellate court allowed the **\$375,000.00** award-remitted by the trial court from \$750,000.00-of non-economic damages to stand).

Lilley v. BTM Corp., 958 F.2d 746 (6th Cir. 1992)(Upholding a verdict of **\$350,000.00** for emotional distress damages flowing from the employer-defendant's violation of the Elliott-Larsen Civil Rights Act);

Love v. Shelby County Sheriff's Dept., 2006 WL 1049336, W.D.Tenn., April 20, 2006. (Emotional Distress jury verdict of \$331,455.00, reduced by Court to **\$300,000** due to statutory ceiling, was not excessive award of emotional distress damages. Plaintiff testified at length about the emotional and physical effects he experienced. For example, Plaintiff testified that Nichols' conduct made him feel upset and disappointed and shocked" as well as "embarrassed, disgusted appalled. After Nichols' conduct ceased, Plaintiff suffered from repeated migraine headaches; experienced grief, frustration, and disgust; and had problems focusing and relating to his family. Plaintiff further testified that he feels as though he is in "suspended animation" and "stuck in [his] tracks still dealing with something that happened to me almost three years ago. Plaintiff's wife testified that Plaintiff suffered from migraines, depression, and other emotional problems

starting in June 2001, all of which affected Plaintiff's marital relationship as well as his interaction with his children.)

Velez v. Roche, 335 F.Supp.2d 1022 (N.D.Cal. 2004)(Hostile work environment resulted in social withdrawal, loss of sleep – award **\$300,000** in compensatory damages.)

Ramseur v. Barreto, 213 F.R.D. 79 (D.D.C. 2003)(Federal employee awarded **\$300,000** despite government's argument that the medical evidence was insufficient. Involves retaliation in performance evaluations and reassignments.)

Peyton v. DiMario, 287 F.3d 1121 (D.C. Cir. 2002)(Anger, fear and loss of self-esteem. Remittitur from **\$482,000** to **\$300,000** due to statutory cap.) *

Channon v. United Parcel Service, Inc., 629 N.W.2d 835, 851 (Iowa, 2001) (Plaintiff, subjected to unwelcome touching, sexual comments, and assault, was awarded a verdict including approximately **\$530,000** in compensatory damages and \$80,220,000 in punitive damages, the latter of which was reduced to **\$300,000** under title VII.)

Deters v. Equifax, 981 F.Supp. 1381 (D.Kan., 1997)(Plaintiff, whose coworkers rubbed and kissed her against her will, received \$5,000 in compensatory damages and \$1 million from the jury, reduced to **\$300,000** cap under 42 U.S.C. 1891a [b]), aff'd 202 F.3d 1262 (Cir. 10, 2000).

Said v. Northeast Security, 18 MDLR 255 (1996)(**\$300,000** award, Complainant's prayer rug was used to clean; Complainant cried at hearing and endured listening to manufactured explanation of employer's actions at hearing.)

McDonough v. City of Quincy, 452 F.3d 8 (1st Cir. 2006)(Emotional distress award of **\$300,000** to a supervisor who assisted employee with a sexual harassment claim. Reprisal resulted in humiliation, adverse impact on relationship with wife and grandchildren, inability to control anger.)

Gagliardo v. Connaught Laboratories, Inc. 311 F.3d 565 (3rd Cir. 2002)(Emotional distress verdict of **\$1.5 million** reduced to Title VII damages cap of **\$300,000**. (Chest pains, elevated blood pressure, moody-grouch, adverse impact on relationship with children, self-doubt, inability to control anger.)

Smith v. Tiffany & Co., No. 1B-E-CS-84-97230 (New York State Div. of Human Rights, August 11, 1995), aff'd 224 A.D. 2d 332, 638 N.Y.S. 2d 454 (1st Dep't 1996)(The court affirmed an award of **\$300,000** in compensatory damages where plaintiff was subjected to sexual harassment and then discharged, resulting in severe depression, anorexia and insomnia.

Brady v. Gebbie, 859 F.2d 1543, 1558 (9th Cir. 1988)(Upholding an award of **\$300,000** for emotional distress; Plaintiff suffered severe and malignant insomnia, anxiety, suicidal fantasies, quiet and severe depression and anxiety; permanent psychological damage and

would require treatment for several years. Numerous professionals in the legal, academic, and medical field testified that Plaintiff's reputation was tarnished and his usefulness as an expert in his field diminished due to his discharge.)

O'Rourke v. City of Providence, 235 F.3d 713 (1st Cir. 2001)(Emotional distress award of **\$275,000.00** was not excessive where plaintiff suffered from severe post-traumatic stress disorder resulting from harassment.)

Tosti v. Ayik, 400 Mass. 224 (1987) (**\$275,000** in defamation claim; discharge caused plaintiff to sell two homes, uproot his family, sell furniture, and borrow from relatives.)

Madison v. IBP. Inc. 330 F.3d 1051 (8th Cir. 2003)(Affirming **\$266,750.00** jury award for emotional distress and holding award was not excessive in light of the "voluminous evidence" the plaintiff suffered emotional distress damages.)

Moorer v. Baptist Memorial Health Care System, 398 F.3d 469 (6th Cir. 2005)(**\$250,000** emotional distress award to plaintiff devastated and depressed by termination, isolated himself from his family, suffered insomnia and feelings of betrayal, anger, loss of self-esteem, increased anxiety and adverse impact on marriage.)

Blakey v. Continental Airlines, Inc. 992 F. Supp. 731 (D.N.J. 1998)(Court remitted a compensatory damages award of \$500,000 to **\$250,000** where the plaintiff was victimized by pornography and an incident of sexual touching at the job, causing her to see a psychologist approximately 25 times.) #

Samuelson v. Sungard Financial Systems, Inc., 20 MDLR 197 (1998) (**\$250,000**)(Trouble concentrating, crying, loss of enjoyment of life, sleeplessness.)

Blakey v. Continental Airlines, Inc., 1997 WL 1524797 (D.N.J. Sept. 1997) (Jury awarded airline pilot \$375,000 for economic loss and \$500,000 for pain and suffering, which was remitted by the court to **\$250,000**, for hostile work environment sexual harassment.)

Chanson v. Westinghouse Corp., 17 MDLR 1293 (1995) (**\$250,000**) (Exacerbation of Crohn's disease, diarrhea and stomach pains.)

New York City Police Dep't v. DeLeon, 201 A.D. 2d 260, 608 N.Y.S.2d 827 (1st Dep't), lv denied, 83 N.Y.2d 757, 615 N.Y.S. 2d 874 (1994)(The court held that the complainant's testimony about the mental anguish he suffered as a result of being subjected to unlawful retaliation was sufficient to support an award of **\$250,000** although no medical evidence was presented.) #

Kinsey v. Salado Independent School District, 916 F.2d 273 (5th Cir. 1990), *vacated en banc on other grounds*, 950 F.2d 980 (5th Cir. 1992)(First Amendment case, the Fifth Circuit upheld an award of **\$250,000** to a suspended school superintendent for emotional distress, loss of reputation, personal expenses, and other monetary injuries. The award

was based on the plaintiff's testimony as to anguish, embarrassment, anxiety and loss of reputation.) #

Bolden v. Southern Pennsylvania Transp. Auth., 21 F.3d 29 (3d Cir.

1994)(Government employee subjected to an unconstitutional drug test, the court affirmed a **\$250,000** compensatory award even though there was no evidence of counseling or physical manifestations of stress, and no showing of loss of reputation. The court found persuasive the testimony of four persons who stated that plaintiff had changed a great deal in the wake of the drug test.) #

Berry v. Stevinson, 804 F. Supp. 121 (D. Colo. 1992)(In a non-jury case, the court awarded **\$250,000** for emotional distress and loss of reputation stemming from the employer's retaliatory filing of false criminal complaint against the former employee.) #

Stockett v. Tolin, 701 F. Supp. 1536 (S.D. Fla. 1992)(The court awarded plaintiff **\$250,000** in emotional distress damages for her common law claims where she was subjected to repeated sexual assault in the workplace, for which she suffered ongoing distress.) #

Broome v. Biondi, 1997 U.S. LEXIS 17349 (S.D. N.Y. Nov. 5, 1997)(Court held the **\$230,000** in emotional damages awarded to a married couple does not "shock the conscience" even though there was no professional testimony of psychological harm arising from cooperative board's refusal to sell an apartment to an inter-racial couple.) #

Webb v. Hyman, 861 F.Supp. 1094 (D.D.C. 1994)(Sex discrimination and retaliation resulted in post-traumatic stress disorder – award **\$225,000** in total damages.)

Martini v. Federal Nat'l Mortgage Ass'n, 977 F. Supp. 464 (D.D.C. 1998)(Sexual harassment and retaliation case, the court remitted the jury's multi-million dollar emotional pain and suffering award to **\$215,000** against defendant Fannie Mae and the individual defendants. Plaintiff introduced testimony from her physician and dentist that she suffered from stomach pains and grinding teeth as a result of the harassment. Plaintiff testified about her humiliation and distress when terminated from her high level position and escorted out of the office by a security guard.) #

Fox v. General Motors Corp., 247 F.3d 169, 180 (4th Cir. 2001)(Affirming **\$200,000** emotional distress damages award for plaintiff who suffered anxiety, severe depression, and a worsening of an already-fragile physical condition as a result of constant harassment and humiliation.)

Neal v. Honeywell, 995 F. Supp. 889 (N.D. Ill. 1998), *aff'd on other grounds*, 33 F.3d 860 (7th Cir. 1994)(The court remitted a compensatory damages award of \$550,000 to **\$200,000**. Psychologist supported plaintiff's testimony that she was depressed for one year after her discharge.) #

Hogan v. Bangor & Aroostook R.R. Co., 61 F.3d 1034 (1st Cir. 1995) (Upholding \$200,000 compensatory damages award to ADA plaintiff who “became depressed, withdrawn, and gave up his usual activities” due to employer's refusal to allow him to return to work after work-related injury.)

Eich v. Board of Regents for Cent. Missouri State University, 350 F.3d 752, (8th Cir. 2003)(\$200,000 for non-economic damages award was not excessive.)

Liberatore v. CVS, 160 F.Supp.2d 114 (D.D.C. 2001)(Award of \$200,000. Judge made clear plaintiff was less than a stellar character.) *

Grow v. W.A. Thomas Co., 236 Mich.App. 696, 601 N.W.2d 426 (1997) (\$192,684, Plaintiff subjected to sexually explicit comments and unwanted kissing and groping over several years.)

Hurley v. Atlantic City Police Dep't, 933 F. Supp. 396 (D.N.J. 2006)(\$175,000 in emotional distress damages, reduced on post trial motion from \$575,000. Plaintiff presented expert testimony that as a result of sexual harassment she suffered an adjustment disorder, anxiety and depression necessitating a daily regimen of anti-depressant medication. Also, plaintiff's family life deteriorated and she was forced to take stress-related leave from work.)

Deloughery v. City of Chicago, 422 F.3d 611 (7th Cir. 2005)(Affirming compensatory award of \$175,000 emotional distress based solely on testimony plaintiff suffered and would continue to suffer significant emotional distress for denial of promotion.)

Felder v. Glickman, US Department of Agriculture, 2001 U.S. Dist. LEXIS 2646 (D.D.C.)(\$175,000 award, Nonselection and retaliatory transfer) *

Hurley v. Atlantic City Police Dept., 933 F.Supp. 396 (D.N.J. 1996) (Remitting award from \$500,000 to \$175,000 in sexual harassment case where plaintiff demonstrated “serious harm” which resulted in plaintiff leaving work on stress leave for a year.)

Mathieu v. Gopher News Co., 273 F.3d 769 (8th Cir. 2001) (\$165,000 emotional distress award not excessive where plaintiff in ADA claim was only witness to testify about emotional distress.)

Kientzy v. McDonnell Douglas Corp., 990 F.2d 1051 (8th Cir. 1993), (Court of Appeals upheld the district court's refusal to remit the emotional distress award of \$150,000 to a female security guard who was terminated from her position because of her sex. A licensed counselor testified that the plaintiff suffered from an adjustment disorder as a result of the employer's treatment.) #

Moody v. Pepsi-Cola Metro. Bottling Co., 915 F.2d 201, 210-11 (6th Cir. 1990)(Upholding a \$150,000 award of emotional distress; Plaintiff “was shocked and humiliated”; unable to secure employment after the termination; moved away from his

family in order to maintain employment; Plaintiff testified the move had an adverse effect on his marriage; wife testified that Plaintiff was upset to the point of crying and that he never really overcame the shock and humiliation of the termination.)

Walters v. City of Atlanta, 803 F.2d 1135 (11th Cir. 1986)(Court of Appeals upheld a **\$150,000** emotional distress award to a plaintiff who had been repeatedly denied a position for which he was well qualified. The award was based on the plaintiff's testimony as to the frustration and emotional "wear and tear" surrounding his repeated efforts to obtain employment, as well as the testimony of another witness regarding the extreme frustration experienced by victims of discrimination.) #

Arnold v. City of Seminole, 614 F.Supp. 853 (N.D.Okla. 1985) (Female police officer awarded **\$150,000** for severe emotional distress as evidence by post-traumatic stress syndrome and her inability to work arising from harassment that included vulgar comments, sexually graphic graffiti, and disparaging comments about women police officers.)

Dodoo v. Seagate Tech., Inc. 235 F.3d 522, 532 (10th Cir. 2000)(Affirming **\$125,000** damages award; Plaintiff "has trouble sleeping and wakes up with his heart pounding, not knowing where he is.")

Kientzy v. McDonnell Douglas Corp., 990 F.2d 1051 (8th Cir. 1993)(Upheld award of **\$125,000** for mental anguish and suffering and held that the district court did not abuse its discretion in failing to remit the award.)

Muldrew v. Anheuser-Busch, Inc., 728 F.2d 989 (8th Cir.1984) (Finding **\$125,000** award for mental anguish in § 1981 case to be reasonable).

Durante v. Eastern Properties, Inc., 18 MDLR 1 (1996) (**\$125,000**; Plaintiff felt dirty and degraded, like a piece of property, after being forced to have sex to keep job.)

Moreno v. Consolidated Rail Corp., 909 F.Supp. 480 (E.D.Mich. 1994), *aff'd*, 99 F.3d 782 (6th Cir. 1996)(In a case brought pursuant to the Rehabilitation Act, the court upheld a jury award of **\$125,000**. Plaintiff worked for the defendant for over 30 years and was terminated as a result of his disability.)

Rowlett v. Anheuser-Busch, Inc., 832 F.2d 194 (1st Cir. 1987) (Award of **\$123,000** in racial discrimination case was not grossly excessive, where plaintiff was subjected to several years of discrimination and a significant period of unemployment.)

Camacho v. Country Squire Diner, L-599-96 (N.J.Law.Div., Atl. County, Oct. 1998) (Jury awarded waitress **\$103,900** in compensatory damages, \$50,000 in punitive damages against diner and \$15,000 against owner for sexual harassment in form of repeated foul and suggestive language, obscene gestures and her termination for complaining about same.)

Ross v. Douglas County, Nebraska, 234 F.3d 391(8th Cir. 2000)(\$100,000 for emotional distress in a race discrimination case was not excessive where the plaintiff suffered emotional and physical injuries and was forced to take a lower paying job without health benefits.)

Kim v. Nash Finch Co., 123 F.3d 1046, 1065 (8th Cir. 1997)(Affirming \$100,000 emotional distress award based on anxiety, sleeplessness, stress, depression, high blood pressure, headaches, and humiliation.)

Rush v. Scott Specialty Gases, Inc., 930 F.Supp. 194 (E.D.Pa. 1996)(Jury awarded plaintiff \$1,000,000 in compensatory damages after plaintiff had proven that she had sustained substantial emotion distress for over four years, and the district court ordered a remittitur to \$100,000.)

In **Stallworth v. Shuler**, 777 F.2d 1431 (11th Cir. 1985)(Affirming of \$100,000 for loss of sleep, marital strain and humiliation over several years; plaintiff did not seek professional counseling, *did not miss work* and continued to adequately perform work.)

In **Lowery v. WMC-TV**, 658 F.Supp. 1240 (W.D.Tenn.1987), *vacated by settlement*, 661 F.Supp. 65 (W.D.Tenn.1987), after a bench trial, the court awarded plaintiff, a black television news anchor who was denied promotion and otherwise discriminated against, \$100,000 in compensatory damages for embarrassment, humiliation and mental anguish. Plaintiff had been demoted (not fired) from his position. The award was based on evidence including “[t]he ultimate in humiliation ... when [plaintiff] was forced from his on-air responsibilities in the wake of his filing of his **Title VII** lawsuit. Such action shamed [plaintiff] before his coworkers and the community and had an obvious devastating effect upon him. Prior to this, [plaintiff] was continually humiliated and embarrassed by being passed over for promotion, being denied an employment contract, and being paid less than similarly situated white employees.”

In **Dickerson v. HBO & Co., et. al.**, 1995 WL 767193 (D.D.C.), a Title VII retaliation case, the court upheld a \$100,000 jury award, although it fell in the “upper range of reasonableness.” The court based its conclusion on the fact that plaintiff “testified as to the humiliation and emotional distress he felt because of his demotion and transfer to the midnight shift; he also explained how working the midnight shift severely impacted the time he ... spent with his children, and that his entire employment situation adversely affected his marital relationship.”

Binder v. Long Island Lighting Co., 847 F.Supp. 1007 (E.D.N.Y.1994) (\$100,000 damage award for pain and suffering where the plaintiff was so distressed by his wrongful termination that he attempted suicide.)

Guth v. Fradellos, 18 MDLR 229 (1996) (\$100,000) (Insomnia; nightmares, feeling of dread about going to work.)

Love v. Boston Housing Authority, 18 MDLR 249 (1996) (**\$100,000**) (Feeling unsafe in own home.)

Nikolsky v. Summit Services Group, Inc., 20 MDLR 126 (1998) (**\$100,000**) (depression)

Dickerson v. HBO, 1995 U.S. Dist. LEXIS 19213 (D.D.C.) (**\$100,000** award, demotion and transfer; Title VII, DC Human Rights Law, retaliation)*

* Case citations and summaries by Atty Stephen Leckar, Washington, DC

Case citations and summaries from article by John A. Beranbaum, Law firm of Beranbaum, Menken, Ben-Asher & Fischel, LLP, New York, New York, *Survey of Emotional Distress and Punitive Damages Awards in Excess of \$100,000*. The Employee Advocate, pub. by National Employment Lawyers Association (1998)