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**Housekeeper claims she was harassed,
physically abused by house manager****LABOR & EMPLOYMENT**

Harassment-General/Discrimination/Race/National
Origin/Termination/Constructive Discharge

INTENTIONAL TORTS

Assault & Battery

SAN DIEGO COUNTY SUPERIOR COURT

Jaimes v. Williams, Docket number:

200700078453CUWTCTL, Central. Judge: Timothy B.
Taylor. Trial type: Jury: 3 days. Verdict/Judgment date:
3/18/2009.

VERDICT: DEFENSE

The jury found defendants were not responsible for harassment or wrongful termination of plaintiff. The jury voted 9-3 in favor of defendants on the harassment cause of action and 12-0 on the wrongful termination cause of action.

Despite the fact defendant Tamra Williams did not appear for trial, and only plaintiff was allowed to introduce select deposition testimony for her, the jury was persuaded the alleged harassment never occurred.

The jury agreed with various defense themes which all questioned the credibility of plaintiff and the importance of "home." Vote: Mixed poll. Deliberations: 2.5 hours.

COUNSEL

Plaintiff: Jonathon C. Tam, Law Offices of Michael L. Tracy,
Irvine. Megan Hutchins, Law Offices of Michael L. Tracy,
Irvine.

Defendant: Robert F. Tyson, Tyson & Mendes, La Jolla. Eva
M. Bonelli, Tyson & Mendes, La Jolla.

FACTS/CONTENTIONS

According to defendant: Plaintiff Sheila Jaimes, age 56, was a housekeeper for defendants Jon Williams, a 43-year-old real estate investor, and Tamra Williams, a 42-year-old business owner, since June 2000. In August 2005, defendants employed a house manager to supervise plaintiff. For eight months the house manager allegedly made racially motivated statements to plaintiff, who was Mexican. The house manager also allegedly physically pushed plaintiff and would often make her cry. The house manager threatened plaintiff that, unless she learned better English, she would be deported back to Mexico.

On March 31, 2006, plaintiff complained of the harassment in writing. That same day, defendants terminated plaintiff's employment. Defendants never investigated plaintiff's claim.

Plaintiff alleged she was harassed by the house manager due to her national origin. Plaintiff also alleged she was wrongfully terminated by defendants for reporting the harassment.

Defendants denied liability and damages. The house manager did admit to telling plaintiff she needed to learn English and often tried to help her learn English. The house manager, of German origin, denied being racist or physically abusive.

CLAIMED INJURIES

According to defendant: Depression; sleeplessness; panic attacks; crying fits; stress.

Plaintiff lived in constant fear of similar harassment at her subsequent employment. Plaintiff underwent treatment for approximately one year.

CLAIMED DAMAGES

According to defendant: Plaintiff suffered both economic and non-economic damages as a result of defendants' conduct. Specifically, plaintiff sought to recover past lost earnings from April 1, 2006 to February 1, 2008. The earnings were over \$50,000. Plaintiff also sought to recover an unspecified amount for emotional distress, but certainly more than \$100,000. Finally, plaintiff's counsel intended to recover attorney fees and costs as prevailing party of over \$100,000.

SETTLEMENT DISCUSSIONS

According to defendant: Demand: \$75,000 (lowest pre-trial demand); Offer: \$15,000, with indications of possibly more to settle.

EXPERTS

None.

COMMENTS

According to defendant: Defendants' insurance carrier was AIG Private Client Group. The insurance adjuster was Jeff Huston.

Defendants intended to file a post-trial motion for attorney fees and costs of over \$100,000.