

The Federal Employee Advocate

Vol. 1, No. 15

(Updated March 27, 2017)

Court Awards of Emotional Distress Damages Over \$100,000

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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 employer representatives and counsel 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 the standard settlement practice when settling emotional distress claims. When parties to litigation are unable to reach a settlement agreement, either an Administrative Judge of the EEOC 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:

Griffin v. City of Opa-Locka, 261 F.3d 1295 (11th Cir. 2001). Affirming **\$2 million** award to a woman who was sexually harassed over a four-month period and raped by her manager. The jury awarded \$500,000 for sexual harassment and \$1,500,000 for the rape.

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Tuli v. Brigham & Women's Hosp., 656 F.3d 33, 44-47 (1st Cir. 2011). Upholding award of **\$1.6 million dollars** in compensatory damages for claims raised under federal law, which has a limit of \$300,000 in non-pecuniary compensatory damages, and Massachusetts state law which does not have such a limit. The plaintiff could not sleep or eat and lost weight, had anxiety, anger, fear and nervousness which resulted in abdominal pain. The plaintiff testified that after years of hard work dedicated to her career, she was reduced to someone who could not function and could not pay her bills. The plaintiff did not present any medical documentation in support of her claims. The Court found no abuse of discretion in the district court's refusal to grant a remittitur in this case.

Watson v. Department of Rehabilitation, 212 Cal.App.3d 1271 (1989). Affirming **\$1.6 million** award for race and age discrimination.

Hubis v. Burns Pontiac GMC, No. 98-CV-1360, 2001 WL 34031303 (D.N.J. March 12, 2001). Affirming awarded of **\$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.

Greta L. Anderson v. American Airlines, 352 Fed.Appx. 182 (9th Cir. 2009). Affirming **\$1,000,000** award of emotional distress damages in employment discrimination case under the California Fair Employment and Housing Act.

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.

Psychiatric Institute of Washington v. DC Commission on Human Rights, 871 A.2d 1146 (D.C. 2005) Upholding award of over **\$900,000** in emotional damages for sex harassment based on suggestive behavior of female boss toward gay man, touching, and harassment that increased after complaints made.

Campbell-Crane & Associates, Inc. v. Stamenkovic, 44 A.3d 924 (D.C. 2010) Affirming award of **\$812,000** in emotional damages for sex harassment and retaliation. Harassment of a male employee with sexual propositions and innuendo. Boss swam nude in front of her employees; made sexual comments about a former lover, indicated how large a former boyfriend's penis was, moaned suggestively, and made sexual advances and demands. Stamenkovic stated complained and the harassment became worse.

Baker v. John Morrell & Co., 266 F.Supp.2d 909 (N.D. Iowa, 2003). Award of **\$735,000** 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). The damages award was based on the

many Plaintiff suffered harassment, Plaintiff's long-time relationship with employer, the severity of harassment, employer's disregard for her rights, and the toll that unlawful conduct took on Plaintiff's emotional and physical health. Award of \$250,000 for past emotional distress and \$50,000 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 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.

Patrick S. Brady v. Wal-Mart Stores, Inc. 531 F.3d 127 (2nd Cir. 2008). Affirming emotional distress compensation of **\$600,000** in a suit under the Americans with Disabilities Act and New York Human Rights Law. The trial court apportioned all compensatory damages to state law claim. Plaintiff was a new hire who had two years experience at a small local pharmacy. Plaintiff, who had noticeable effects of cerebral palsy, worked only a few days before his supervisor had him transferred to picking up carts in the parking lot because he was too slow. Plaintiff was not provided training or coaching, and was not given an opportunity to fully learn his new job. The court ruled that the fact Plaintiff did not request an accommodation did not absolve the store from its duty to engage in the interactive accommodation process. Plaintiff had a disability that visibly affected his walking, speech, vision, and his mannerisms, and the supervisor and management were clearly aware of it. Plaintiff testified that, after quitting, he became depressed and, for the first time, sought psychiatric help. Plaintiff and his parents testified that he lost self-confidence, withdrew from his family, became angry, and lost interest in his community college studies.

Stanisz v. Federal Exp. Corp. 2003 WL 21660885, (Mich. App. July 15, 2003). Affirming a noneconomic damage award of **\$600,000**.

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

Morgan v. New York Life Insurance Co., 559 F.3d 425, 443 (6th Cir.2009). Affirming **\$500,000** award for non-economic damages in age discrimination wrongful termination case filed under an Ohio statute.

W. Tobin v. Liberty Mutual Insurance Company, 553 F.3d 121 (1st Cir. 2009). Affirming award of **\$500,000** for emotional distress to disabled employee in a case brought under federal and state statutes. Plaintiff continued to suffer severe emotional distress from employer's failure to provide reasonable accommodations that would have enabled him to successfully perform his job. Plaintiff's entire "identity has been

connected with [employer]," being "a sales rep for [employer is] ... part of who he is." Plaintiff was "devastated" by the way the termination occurred, perceiving it as a betrayal. Plaintiff was told incorrectly on the day of his termination that he and his family no longer had health insurance coverage, information that was particularly alarming in light of his wife's ongoing treatment for breast cancer.

Rowe v. Hussmann Corp., 381 F.3d 775 (8th Cir. 2004). Affirming jury verdict of **\$500,000** in emotional distress damages. Plaintiff subjected to a four year campaign of persistent verbal and physical sexual harassment, accompanied by credible threats of rape and murder and a rock through the windshield of plaintiff's car that likely was thrown by the harasser. Plaintiff was constant fear, experienced panic attacks accompanied by nausea, headaches, sweating and hyperventilation. She moved her home, obtained a gun card, purchased mace and took her lunch and coffee breaks in the restroom to avoid the harasser. She testified that her relationship with her children was affected, and her treating psychologist testified that she suffered from an anxiety disorder and that her prognosis was poor. Because there was liability under State law, the Title VII caps did not come into play.

Bogle v. McClure, 332 F.3d 1347 (11th Cir. 2003). Affirming court affirmed awards of **\$500,000** in emotional distress damages to each of seven Caucasian librarians transferred from their supervisory positions to "dead-end, non-managerial jobs" because of their race, in the face of warnings about the potential legal consequences. The librarians testify described destroyed careers which caused some to resign, made them upset, embarrassed, humiliated and ashamed. Some became depressed and one even became suicidal. With no medical evidence of mental or physical harm, the court nevertheless sustained the awards, which had been remitted from \$1 million each, finding "no reason to substitute our judgment for that of the jury or the district court..."

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.

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

Albunio v. City of New York, 67 A.D.3d 407, 409 (N.Y. App. Div. 1st Dep't 2009), Upholding **\$491,706** compensatory damages for reputational and emotional distress damages awarded under the New York State Human Rights Law. Plaintiff was denied transfer based on perceived sexual orientation and where the person who denied Plaintiff's transfer spread rumors that he was a child molester. The treating psychiatrist testified the cause of Plaintiff's major reactive depression was that he was being stereotyped as a pedophile. The damage to his reputation and professional career was caused by his being perceived as a gay man and stereotyped as a child molester. Plaintiff

endured anxiety and panic attacks, experienced suicidal ideation, and took numerous medications to combat depression and anxiety.

Wilmington v. J.I. Case Co., 793 F.2d 909 (8th Cir. 1986). Affirming **\$400,000** award for compensatory damages 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.”

Evans v. Port Authority of New York And New Jersey, 273 F.3d 346 (3rd Cir. 2001). Affirming trial court’s reduction of a \$1,150,000 emotional distress verdict to **\$375,000** in a refusal to promote case. The Plaintiff testified to having 17 chest pains and elevated blood pressure, to being moody (a “grouch”); that the discrimination affected her relationships with her children; that she began to question her own ability; and that she had been in “bad shape” and was still angry.

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** award-remitted by the trial court from \$750,000 for non-economic damages to stand.

Jean-Baptiste v. District of Columbia, 931 F.Supp2d 1 (D.D.C. 2013) \$3.5 million compensatory damages award (remitted to **\$350,000**) in sexual harassment and wrongful termination case.

Lilley v. BTM Corp., 958 F.2d 746 (6th Cir. 1992). Affirming award of **\$350,000** for emotional distress damages flowing from the employer-defendant’s violation of the Elliott-Larsen Civil Rights Act.

Monteagudo v. Association de Empleados del Estado Libre Asociado, 554 F.3d 164, 174-175 (1st Cir. 2009). Affirming emotional distress damages award of **\$333,000** to plaintiff who experienced several months of sexual harassment. Plaintiff suffered from depression and sleeplessness and felt like “a piece of meat.”

Henry B. O’Neal, v. Ferguson Construction Company, 237 F.3d 1248 (10th Cir. 2001) Affirming compensatory damages award in a race discrimination and reprisal case of **\$302,721.25** in compensatory damages. Plaintiff began seeing a psychiatrist before being terminated but could not afford further treatment after his termination. He suffered an inability to sleep and loss of appetite which continued through trial. Plaintiff’s wife corroborated Plaintiff’s statements, testifying that his condition had gotten worse since his termination. She testified that her husband was more worried and very unhappy as compared to when she first met him. The Court rejected the employer contentions the award should be reduced because expert testimony was not provided.

Diane T. Gowski, and Sally B. Zachariah, M.D. v. v. Department of Veterans Affairs, 682 F.3d 1299, n. 10 (11th Cir. 2012). Affirming trial court reduction of

Zachariah's \$1,000,000 emotional distress award to the **\$300,000** statutory ceiling and upholding a jury award of **\$250,000** to Gowski for emotional distress compensation.

McInerney v. United Air Lines, Inc., 2011 U.S. App. LEXIS 7492, 39-43 (10th Cir. 2011). Affirming trial court's remitter of \$3,000,000 in non-pecuniary damages to **\$300,000**. Plaintiff was devastated by employment termination, humiliated and could not stop crying. The Court referenced the plaintiff's eleven-year career which Plaintiff viewed as "part of [her] identity".

Ash v. Tyson Foods, Inc., 664 F.3d 883, 890-900 (11th Cir. 2011) Affirming award of **\$300,000** in emotional distress compensatory damages. After being denied a promotion, plaintiff was physically ill, could not eat or sleep, was nauseated, suffered from chest pains, digestive problems and lost approximately 40 pounds in five months. Plaintiff's wife testified that due to the discrimination, the plaintiff's relationship with his wife and children deteriorated. Plaintiff often vomited before reporting to work.

Fischer v. UPS, 390 Fed. Appx. 465, 471-473 (6th Cir. 2010). Affirming a **\$300,000** emotional distress damages award. Plaintiff was terminated and could not find work for one year after the termination. When Plaintiff did find work, it required him to live away from his family during the week resulting in a divorce and a strained relationship with his minor children.

Mathew F. Fogg, v. U.S. Department of Justice, 492 F.3d 447 (D.C. Cir. 2007). Trial court reduced \$400,000 jury award for compensatory damages to statutory limit of **\$300,000**.

McDonough v. City of Quincy, 452 F.3d 8 (1st Cir. 2006). Affirming **\$300,000** non-pecuniary damages award 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.

Bremer v. U.S. Dep't of Commerce, 2005 WL 3369760 (D.D.C. Aug. 10, 2005). \$3 million award in Title VII disability discrimination and retaliation case reduced to **\$300,000** statutory cap.

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

Green v. Administrators of the Tulane Educational Fund, 284 F.3d 642 (5th Cir. 2002) affirming verdict of **\$300,000** in compensatory damages in a sexual harassment case.

EEOC v. Harbert Yeargin, 266 F.3d 498 (6th Cir. 2002). Award of \$300,001 was reduced by \$1 to **\$300,000** to conform to the statutory cap on damages.

Peyton v. Dimario, Public Printer of the United States, 287 F.3d 1121 (D.C. Cir. 2002). Affirming **\$300,000** award based on anger, fear and loss of self-esteem.

Mackel v. Wash. Metro. Area Transit Auth., 2001 WL 1782324 (D.C.Super. Oct. 2001) \$1.7 million in unspecified damages reduced to **\$300,000** statutory cap. Plaintiff was a male manager who claimed retaliation in violation of Title VII after he testified at the discrimination trial of a female employee.

Cadena v. The Pacesetter Corporation: 224 F.3d 1203 (10th Cir. 2000). Affirming award of **\$300,000** in compensatory and punitive damages, \$131,368.30 in attorney's fees, and \$6,735.70 in related expenses.

Brady v. Gebbie, 859 F.2d 1543, 1558 (9th Cir. 1988). Affirming award of **\$300,000** for emotional distress damages. 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.

Love v. Shelby County Sheriff's Dept., 2006 WL 1049336, (W.D.Tenn. 2006). An emotional distress jury verdict of \$331,455 was reduced by Court to **\$300,000** due to statutory ceiling. Plaintiff testified that employer's conduct made him feel upset and disappointed, shocked, embarrassed and disgusted appalled. After the adverse conduct ceased, Plaintiff suffered from repeated migraine headaches; experienced grief, frustration, disgust; 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). Award of **\$300,000** in compensatory damages in hostile work environment case. Plaintiff suffered social withdrawal and loss of sleep.

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. The case involves retaliation in performance evaluations and reassignments.

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 which was reduced by the Court on remitter to **\$300,000**.

John Farley v. Nationwide Mutual Insurance Company, 197 F.3d 1322 (11th Cir. 1999). Affirming trial court remitter of jury award of \$450,000 to **\$300,000** in

compensatory damages. The plaintiff, a claims adjuster with a history of alcoholism, post-traumatic stress disorder and depression charged an insurance company with violating the ADA and ADEA by terminating his employment.

Fogg v. Ashcroft, U.S. Marshals Serv., 1998 WL 35271706 (D.D.C. April 1998) (\$4 million in unspecified damages, ultimately reduced to **\$300,000**, in Title VII race discrimination and retaliation case alleging hostile work environment, wrongful termination, and denial of promotions, overtime, and choice assignments).

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). Award of **\$300,000** compensatory damages. Complainant's prayer rug was used to clean. Complainant cried at hearing and endured listening to manufactured explanation of employer's actions at hearing.

O'Rourke v. City of Providence, 235 F.3d 713 (1st Cir. 2001). Affirming emotional distress award of **\$275,000** where plaintiff suffered from severe post-traumatic stress disorder resulting from harassment.

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

Eddie J. Haynes v. City of Montgomery Alabama, No. 08-16533 (11th Cir. 2009). Affirming award of **\$270,000** for mental pain and anguish damages and \$90,000 back pay to a firefighter in an American with Disabilities Act case.

Madison v. IBP. Inc. 257 F.3d 780 (2001) modified on other grounds 330 F.3d 1051 (8th Cir. 2003). Affirming **\$266,750** jury award for emotional distress in a race, sexual harassment and retaliation case where the employee testified to great anguish, humiliation, and feeling degraded. Plaintiff frequently left her work station in tears, had severely strained relations with her husband (including multiple separations) and several friend and family witnesses corroborated her descriptions.

Sheri Sawyer Madison v. IBP, Inc., 257 F.3d 780 (8th Cir. 2001). Affirming jury award of **\$266,750** for emotional distress. Plaintiff was subjected to taunting and harassment that made her feel humiliated, hurt, and degraded. Plaintiff was made so distraught by the behavior of fellow employees and managers that she often left her work station in tears. Her family life was affected by what went on in the plant. Her working conditions strained her relationship with her husband and nearly caused the breakup of their marriage. As a result of her stressful work environment, she lost weight, had trouble sleeping and frequent headaches, and broke out in hives. The evidence about the physical

and emotional effects on Plaintiff was corroborated by her family and several coworkers. A minister who counseled Plaintiff on at least four occasions during these events, described her as depressed and emotionally drained because of her experiences at IBP.

Thompson v. Memorial Hospital of Carbonale, 625 F.3d 394 (7th Cir. 2010).

Emotional distress award of \$500,000 reduced to **\$250,000**. Plaintiff met with a counselor five times who testified plaintiff was sad, often tearful, felt increasing anxiety and gained 20 pounds in a month. Plaintiff was diagnosed with adjustment disorder, depression and anxiety. The counselor testified that a month after counseling began the plaintiff had take leave from work due to stress and was improved.

Moorer v. Baptist Memorial Health Care System, 398 F.3d 469 (6th Cir. 2005).

Affirming **\$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.

Koster v. Trans World Airlines, 181 F.3d 24 (1st Cir. 1999). Reducing an emotional distress award of \$716,000 to **\$250,000**. Plaintiff did not seek medical treatment and did not suffer any long-term depression or incapacitation. Plaintiff opened a business of his own after losing his job.

Pavon v. Swift Transportation, 192 F.3d 902 (9th Cir. 1999). Affirming a jury award in for racial employment discrimination: \$1,218 in economic damages; **\$250,000** in noneconomic damages; and \$300,000 in punitives.

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.

Samuelson v. Sungard Financial Systems, Inc., 20 MDLR 197 (1998). Award of **\$250,000** based on Plaintiff's trouble concentrating, crying, loss of enjoyment of life, and sleeplessness.

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

Naeem v. McDesson Drug Co., 444 F.3d 593 (7th Cir. 2006). Affirming **\$240,000** emotional distress award. Plaintiff became unable to eat, got into arguments with her family, cried for hours, was unable to breast-feed her new infant son and refused sexual relations with her husband. Her behavior drove one of her older sons from the home. Plaintiff contemplated suicide and, after years of delay, plaintiff saw a psychiatrist who diagnosed her with major depressive disorder and post-traumatic stress disorder and prescribed antidepressant, anti-anxiety medication.

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

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.

Black v. Pan American Laboratories, 646 F.3d 254 (5th Cir. 2011). Upholding the trial court's award of **\$200,000** in compensatory damages based on a discriminatory termination of employment. The issue of the calculation of back pay was remanded.

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). Affirming award of **\$200,000** for emotional distress damages to Plaintiff who suffered years of sexual harassment.

Liberatore v. CVS, 160 F.Supp.2d 114 (D.D.C.2001). Jury award of \$1.1 million in emotional distress damages in a wrongful termination suit remitted to **\$200,000**. The plaintiff pharmacist had threatened to inform the FDA that his employer stored drugs at inappropriate temperatures. After the threat, the pharmacist became frightened and uncomfortable and, after his termination, he worried about money, lost his home as well as the new home he was going to buy, was forced to relocate to another state without his family, and felt humiliated and nervous. He reported no physical or psychological problems and did not offer expert reports or testimony. The trial judge noted that although the plaintiff was not required to present witnesses to corroborate his own testimony about his emotional distress, his testimony alone did not provide the "substantial evidentiary basis needed to warrant" an award of \$1.1 million.

Martini v. Federal National Mortgage Association, 977 F.Supp. 464, 475–78 (D.D.C.1997) vacated on other grounds 178 F.3d 1336 (D.C.Cir.1999). The jury awarded \$615,000 in damages for pain and suffering against three defendants, which the district court remitted to **\$200,000**. Plaintiff alleged sexual harassment by a co-worker and retaliation under Title VII and the DCHRA. After the co-worker was promoted, he eliminated the plaintiff's job. As a result, she reported having stomach pains, grinding her teeth, and enduring humiliation and distress when terminated, as well as fears about the future. She presented evidence from her treating physician and dentist.

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

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

Mathieu v. Gopher News Co., 273 F.3d 769 (8th Cir. 2001). Affirming **\$165,000** emotional distress award where plaintiff in ADA claim was the only witness to testify about emotional distress. Plaintiff lost his job of thirty-four years, was forced to reduce his standard of living, and had become depressed.

Jimmie D. Knight v. The Metropolitan Government of Nashville and Davidson County, Tenn., 136 Fed.Appx. 755 (6th Cir. 2005). Affirming jury award of **\$150,000** in compensatory damages. Plaintiff testified regarding his emotional distress, financial hardship, and reduced standard of living resulting from his inability to return to the police force.

Warren v. Prejean, 301 F.3d 893 (8th Cir. 2002). Affirming an award of **\$150,000** for emotional distress resulting from discrimination, retaliation and intentional infliction of emotional distress supported by plaintiff, her aunt and treating counselor's testimony on physical and emotionally injuries.

Giles v. Gen. Elec. Co., 245 F.3d 474, 488 (5th Cir. 2001). Affirming **\$150,000** award where plaintiff was "despondent, depressed, down and absolutely utterly discouraged about not being able to [go] back to work".

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.

Moody v. Pepsi-Cola Metro. Bottling Co., 915 F.2d 201, 210-11 (6th Cir. 1990). Affirming **\$150,000** award for 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.

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). Affirming award of **\$125,000** for mental anguish and suffering.

Muldrew v. Anheuser-Busch, Inc., 728 F.2d 989 (8th Cir.1984). Affirming **\$125,000** award for mental anguish.

Durante v. Eastern Properties, Inc., 18 MDLR 1 (1996). Award of **\$125,000** for compensatory damages. 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). 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). Affirming **\$123,000** award in racial discrimination case 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). Award to waitress of **\$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.

Demirrelli & U.S. Equal Employment Opportunity Commission v. Convergys Customer Management Group, Inc., 491 F.3d 790 (8th Cir. 2007). Affirming jury award of **\$100,000** for emotional distress damages to disabled employee. The termination caused Plaintiff severe depression and anxiety resulting in depression, he became isolated, ashamed, and gained a significant amount of weight.

Ross v. Douglas County, Nebraska, 234 F.3d 391 (8th Cir. 2000). Affirming **\$100,000** award for emotional distress where 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**.

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.

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. Plaintiff suffered “[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.”

Dickerson v. HBO & Co., et. al., 1995 WL 767193 (D.D.C.). Award of **\$100,000** for compensatory damages. 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). Award of **\$100,000** for compensatory damages. Plaintiff was so distressed by his wrongful termination that he attempted suicide.

Guth v. Fradellos, 18 MDLR 229 (1996). Award of **\$100,000** for compensatory damages. Plaintiff suffered insomnia; nightmares and feeling of dread about going to work.