

# PUBLICATION

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## Full Defense Verdict Shows Juries Want You to Care

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**After litigating the case for more than six years, Baker Donelson obtained a full defense verdict following a seven-day jury trial. The Plaintiff claimed that while she had originally been hired to work in the Human Resources Department, she was required to go work on the floor of a chicken processing plant due to her Puerto Rican heritage. During cross-examination, however, one witness testified that the Plaintiff said "I don't care" when informed that her supervisor was asking where she was. We wrote the statement "I don't care" in big letters on a whiteboard as the witness was testifying. Later, we incorporated the statement on the whiteboard in our closing argument. Through sharp cross-examination and a concise closing argument, we were able to establish that no employment decisions had been made on the basis of the Plaintiff's national origin or race.**

The trial win was the culmination of years of careful and consistent litigation strategy. In December 2012, the Plaintiff filed a complaint in the United States District Court for the Middle District of Alabama alleging that she was subjected to intentional discrimination due to her gender, race, and national origin in connection with her pay, consideration for promotions, and her discharge; retaliation; invasion of privacy; intentional infliction of emotional distress; and wanton and negligent hiring, training, supervision, and retention. She sought back pay and benefits, front pay, compensatory damages for embarrassment and humiliation, punitive damages, attorneys' fees, and costs.

The District Court dismissed the entire case during motion practice, but on appeal, the Eleventh Circuit reversed a portion of the judgment and reinstated the Plaintiff's discriminatory discipline and termination claims. The case then proceeded to trial.

The week-long jury trial finally began on February 4, 2019. We were able to effectively utilize voir dire to lay the foundation to use for-cause strikes for individuals who had voiced a bias against our client.

The Plaintiff took six days to put on her case. Our strategy was to conduct lead and cross examination of witnesses during Plaintiff's case in chief to limit the length of Defendant's case. We also made effective use of trial director for smooth and seamless presentation of exhibits.

We had to field some curveballs during trial. For instance, one of the Plaintiff's witnesses became ill, which required the parties to go to the hospital to take his deposition. Both this witness and another out-of-state witness testified by video. Ultimately, the closing argument focused on the lack of evidence of discrimination, and our client's great efforts to promote diversity within the organization.

In the end, despite the Plaintiff's demand for more than \$400,000 in compensatory damages and unspecified punitive damages, the jury deliberated for less than an hour and returned a full defense verdict.