

# PUBLICATION

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## Win for Defendant in Tennessee Gender Discrimination Case

October 28, 2021

A former Tennessee resident sued our client, a nationwide recruiting and staffing agency, for alleged gender discrimination in violation of the Tennessee Human Rights Act (THRA), alleged violation of Tennessee's Parental Leave Act, and for purported promissory estoppel. The plaintiff, a former recruiter for the defendant, alleged that she was discriminated against based on her gender in that she received less post-transfer benefits than a male comparator under similar circumstances. The plaintiff also alleged that the defendant failed to reinstate her to her original position upon her return from paid maternity leave. Finally, the plaintiff alleged that she detrimentally relied on promises made by her supervisor with regard to her post-leave and post-transfer compensation. She also sought an award of punitive damages. For its part, the client asserted that the plaintiff was reinstated to the same position as when she went on leave, that she received better benefits than the company typically provided to employees who took maternity leave, and that the plaintiff was never made any specific promises to induce her detrimental reliance.

Baker Donelson, led by a trial team of [Mark Baugh](#) and [Nicholas Diegel](#), represented the defendant in a three-day trial before a 12-member jury panel in Knoxville, Tennessee. Their defense of the recruiting and staffing agency focused on attacking the credibility of the plaintiff, highlighting the lack of proof of discriminatory motive, and distinguishing between the plaintiff and her purported comparator based on these individuals being supervised by differing decisionmakers within the company. Over the course of the trial, the parties presented proof through live testimony, deposition, and Zoom in support of their respective positions.

At the close of proof, the team moved for directed verdict with regard to the plaintiff's punitive damages claim, arguing that punitive damages are not recoverable under the THRA and are not permitted for a promissory estoppel claim. The court granted the motion, agreeing that plaintiff was not entitled to any punitive damages under her claims as presented, and dismissed the claim for punitive damages before it even reached the jury for deliberation.

After just over two hours of deliberation, the jury returned a verdict in the client's favor on the gender discrimination and maternity leave act violation claims. Consequently, the plaintiff was not entitled to recover any of her attorneys' fees from the client.