

V E R D I C T S

CIVIL RIGHTS

FIRED PLAINTIFF CLAIMS REVERSE DISCRIMINATION, RETALIATION (AAA 34/4)

CASE

Cathleen Schandelmeier-Bartels v Chicago Park District 07C-922 Tried March 2-5, 2009

VERDICT

\$200,000 for emotional pain & suffering and mental anguish after the jury found that pltf was terminated because of her race.

JUDGE

David H. Coar (USDC Northern District of Illinois)

PLAINTIFF'S ATTORNEYS

Kent D. Sinson of Sinson & Sinson (Chicago) and David A. Hemenway of David A. Hemenway P.C. (Chicago) Demand: \$450,000 Asked: \$750,000

DEFENDANT'S ATTORNEYS

Devlin J. Schoop and Heather R.M. Becker of Laner, Muchin, Dombrow, Becker, Levin & Tomlinberg (Chicago) (Self-Insured) Offer: none

FACTS

In February 2006, pltf, a 49-year old Caucasian female, was hired as the Cultural Program Director for the Chicago Park District's South Shore Cultural Center, where she was responsible for running the Center's summer camp program (among other things). She claims that the Chicago Park District violated Title VII of the Civil Rights Act of 1964 as well as 42 U.S.C. Sections 1981 and 1983 in that she was terminated from her position on August 1, 2006, on the basis of her race, and in retaliation for reporting what she believed was child abuse of a 6-year-old African-American boy, J.J. On July 31, 2006, pltf telephoned J.J.'s mother because he was being suspended from the summer program for repeated misbehavior. J.J.'s mother sent his aunt, Raelle, to pick him up. After she arrived, Raelle asked to use the washroom and pltf directed her to the closest one. Shortly thereafter, pltf heard "whack...ow," several times and followed the sounds to find J.J. crying and Raelle wielding a wide belt as if she was about to strike the child when pltf intervened. Pltf did not actually see J.J. being hit. Later that day, pltf spoke with her direct supervisor, Andrea Adams (African-American) regarding the incident, inquiring what she should do. Allegedly, Adams responded, "I have to let you know that in our culture this is the way we discipline our children." Later that evening, pltf called DCFS and anonymously reported what she had seen, and was advised to call the police, which she did the next morning. Pltf and all Park District employees are mandatory reporters of suspected child abuse. On August 1, Adams called pltf into her office—with J.J.'s Aunt Raelle present—and was allegedly extremely angry that pltf had reported what may have been a threat rather than an actual strike with the belt, and loudly berated pltf for her cultural insensitivity in calling DCFS and the police. Adams followed up with a memo to her supervisor Alonzo Williams (African-American), as well as his supervisor, Megan McDonald (Caucasian) in which Adams outlined several instances in which pltf supposedly failed in her duties (including the J.J. situation), and concluded that "Yesterday and today was the last straw. Something has to give." Later that day, pltf received a termination letter signed by the H.R. Director, Mary Ann Rowland, stating that pltf was fired due to her lack of administrative ability. Defts denied any discrimination or retaliation was involved in pltf's termination, contended pltf was fired due to inadequate job performance, and noted that McDonald had consulted with Rowland via email on July 24 regarding possible employee discipline involving pltf—well before the memo from Adams. However, the jury found for pltf on Count I of her complaint, which alleged reverse race discrimination under Title VII. Note that pltf still has a common law retaliatory discharge claim pending in Cook County Circuit Court (08L-13703). This case was the subject of a March 10, 2009, article by Sun-Times columnist Mary Mitchell.