

LITIGATION FILES

Jury Awards \$590,000 to Sexually Harassed Woman

By Adrianna Khoo

A former Central Freight Lines Inc. employee quit her job and checked into a county hospital for four days over the trauma she claims she experienced when her boss groped her.

Janeé Dailey, 22 at the time, had been molested by her stepfather for several years as a child when Central Freight supervisor Jerry Barajas' conduct drove her back to thoughts of suicide, according to her attorney, sole practitioner Tyler Meade of Berkeley.

An Alameda Superior Court jury awarded Dailey \$590,000 March 30 for being sexually harassed on the job. She received \$150,000 in compensatory damages.

Another \$440,000 in punitive damages were added because Central Freight concealed investigations into Barajas' prior incidents of sexual harassment against female employees and later promoted him, according to Meade. *Dailey v. Central Freight Lines Inc.* HG0392762 (Alameda Super. Ct., verdict March 30, 2005).

"I think that the jury was offended by the company's conduct after the incident," Meade says. "There was compelling evidence that the company approved of [sexual harassment] in promoting [Barajas] even though the CEO knew that his own senior manager wanted Barajas to be fired and even though he knew there were prior complaints of sexual harassment."

Anne Tiffen of Mariscal, Weeks, McIntyre & Freidlander in Phoenix, who represented Central Freight, would not comment on the case. Jeff Hale, Central Freight senior vice president of investor relations, did not return calls for comment.

According to Meade, Dailey started working in Central Freight Lines' Hayward Terminal in the billing department in April 2002. Dailey was bending over to clean up a plate of food she spilled in Barajas' car on the way home from a company picnic in May, when he grabbed her breast and her backside, pulling her toward him, Meade says.

Dailey told the company what happened, and she quit the next week. Her mother allegedly saw signs that Dailey could be suicidal when she observed knives under her bed, and checked her into the hospital, according to Meade.

"The events at Central Freight triggered emotions in her that initiated her going to the hospital," Meade says.

But Meade says all of that could have



Photo by S. Todd Rogéris

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been prevented if the company had considered earlier investigations into complaints of two other employees that Barajas pulled their bra straps, underwear waistbands and uttered comments such as "Ever since I've known ya, I've always wanted to bone ya."

Company officials said they could not find documentation of such investigations during discovery in 2003, according to a declaration by human resources generalist Celestia Johnson.

But a retired company supervisor, Steven Key, supplied Meade with the notes

of a handwritten investigation in January when he heard about the suit, saying that he once had recommended Barajas be fired.

Meade says concealing the documents showed the company approved of and protected Barajas' behavior. The CEO's alleged decision to promote Barajas from billing manager to regional manager after documents were discovered in 2005 showed that the company approved of his behavior, Meade says.

But Barajas denies inappropriate conduct in the bra-pulling incidents and lewd comments, according to the notes. Declarations from company officials also say that prior claims of harassment could not be substantiated.

And though the jury agreed that the company approved of his behavior, they did not agree that the company had knowledge of those investigations.

Barajas resigned from the company during the trial, saying he wanted to spend time with his family. Dailey is studying to be a nurse, according to Meade.