

reported the incidents during his employment and that when the alleged incidents had been reported, it had conducted an immediate and thorough investigation. No witnesses were found to support plaintiff's claims.

The defense expert was prepared to testify that plaintiff was not suffering from post traumatic stress disorder, but the case settled prior to the presentation of defendant's evidence.

Plaintiff Profile: Plaintiff was a 21 year old single male who was employed as a security guard.

Alleged Injury: Intentional infliction of emotional distress and post traumatic distress disorder.

Expert(s):
Plaintiff: Jill Bley, Ph.D.
 Psychologist – Cincinnati, OH

Defendant: David Greenwald, Ph.D.
 Psychologist – Cincinnati, OH

Case Number: A-0103961

Editor's Notes: This case settled during trial before defendant put on its case. Per defense counsel, the case was impacted by plaintiff admitting that he had engaged in the same behavior that he alleged was offensive. Further, plaintiff's pre-trial settlement demand had been \$150,000.

Lucas County

United States District Court — Toledo

Black Assistant Principal Awarded \$238,000 Against Sandusky City School District for Age Discrimination

Case Caption: Frank L. Cox v. Sandusky City Schools and L. Richard Sulewski

Verdict: \$238,000 for past and future wage loss. See Editor's Note

Judge: Vernelis K. Armstrong

Date of Verdict: 3/21/2002
Attorneys:
Plaintiff: William G. Tishkoff, Ann Arbor

Defendant: Daniel D. Mason, Elyria

Facts: Plaintiff Frank Cox was employed as an assistant principal at Sandusky High School. In June of 1999, the position of principal became vacant but the position was awarded to another individual. Plaintiff subsequently brought this action alleging race and age discrimination by Defendant School District and its superintendent.

Plaintiff, a 56 year old black male, alleged that he was not given notice of the opening in the principal position at the high school and had been denied the opportunity to compete for the principal position because of his age and race. Plaintiff argued that the position had not been posted and that he had not been informed that the position was open. He further claimed that the position had been given to a less experienced Caucasian assistant principal.

Defendant School District and Defendant Sulewski, its superintendent, denied that race or age animus had occurred. Defendants contended that the decision to award the principal position to the other individual was based on nondiscriminatory reasons.

A federal District Court jury in Toledo deliberated for five hours and returned a verdict in favor of plaintiff in the amount of \$238,000.

Plaintiff Profile: Plaintiff was a 56 year old married black male who was employed as an assistant principal

Alleged Injury: Age and race discrimination. Plaintiff sought past and future lost wages and damages for emotional distress.

Jury Deliberations: 5 hours
Settlement Efforts: Last Demand: \$300,000
 Last Offer: \$40,000
Case Number: 3:00CV7657

Editor's Notes: Plaintiff's petition for a further award of attorney fees of \$120,661 and costs of \$4,388 and other post-judgment motions were pending at the time this case was prepared for publication. The jury found that race was not a motivating factor, but that age had been a determining factor when defendants denied plaintiff the promotional opportunity. Per plaintiff's counsel, defendants did not have a legitimate explanation for why a younger, less experienced candidate had been selected for the position of principal without informing or allowing plaintiff an opportunity to compete for the position.