

Employment Law - Race Discrimination - African-American Construction Worker Fired - Lost Wages, Emotional Distress - \$2 Million Award

by admin

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Brief Statement of Claim: The plaintiff, an African-American construction worker, brought a case against his employer under federal discrimination laws. The plaintiff allegedly was discharged after training a white man to replace him and then was asked to return and assist his replacement when machinery broke down.

Principal Injuries (in order of severity): Lost wages, emotional distress, humiliation, loss of enjoyment of life

Special Damages: Punitive damages

Tried or settled: Tried

County where tried or settled: Durham

Case Name and number: Benjamin Harris Smith v. Nello Teer Company (Durham County Superior Court; 97 CvS 2107)

Date Concluded: October 30, 1998

Name of Judge: Henry W. Hight Jr.

Amount: \$2,000,702 (back pay: \$20,702; compensatory damages: \$180,000; punitives: \$1.8 million)

Insurance Carrier: n/a

Expert Witnesses and areas of expertise: n/a

Attorneys for plaintiffs: Stewart W. Fisher and Caitlyn T. Fulghum of Glenn, Mills & Fisher, PA, Durham

Other Useful Info: The plaintiff presented evidence that managers used racial epithets and planned to replace black workers, saying, "Us white boys and Mexicans can get the job done."

All four black employees on the plaintiff's crew were fired and two Mexican workers were hired.

The jury returned its verdict after an eight-day trial.