

## **Federal Jury Returns \$1.59 Million Award On Durham Worker's First Amendment, Termination Claims - Employment Law - Whistleblower Terminated - Depression - Civil Rights Violations, Wrongful Termination, Retaliation Alleged - \$1.59 Million Jury Verdict**

by admin

Published: June 27th, 2005

Type of action: First Amendment retaliation

**Injuries alleged:** Civil rights violations, wrongful termination and retaliation; lost wages; emotional distress

**Name of case:** Ava Hinton v. Marcia Conner, Charlene Montford and the City of Durham

**Court/county:** U.S. Middle District

**Case no.:** 1:04CV0004

**Tried before:** Jury

**Name of judge:** Frank Bullock Jr.

**Special damages:** \$90,000 lost wages

**Verdict/settlement:** Verdict

**Amount:** \$1,590,000, plus attorney's fees

**Date obtained:** April 8, 2005

**Demand:** \$15,000, plus reinstatement to job

**Offer:** \$7,500

**Experts:** Treating physician and therapist

**Insurer:** Self-insured

**Plaintiff's attorneys:** Stewart W. Fisher, Durham

**Person submitting:** Stewart W. Fisher

**Description:** Plaintiff was a sixteen-year employee of the City of Durham with a spotless performance record. She reported mismanagement of a small business loan program that allegedly misused \$600,000 in federal housing funds. She was terminated after the program received negative publicity in the press. She fell into a depression and sought medical treatment. The jury returned a verdict in 90 minutes after a week-long trial.

## Durham Settles With Fired Employee

by admin

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DURHAM — The city of Durham will pay \$390,000 to a former Housing Department employee to settle a federal jury verdict that she was fired wrongfully for raising questions about a troubled small business loan program.

Under a settlement announced last Monday, Ava Hinton will get \$90,000 in back pay, plus \$162,500 for the emotional toll the firing took on her. She also will receive about \$5,500 in city retirement benefits.

The city also will pay Hinton's attorney \$118,080 and \$13,746 in court costs.

The city also must give Hinton her job back or reinstate her in a position with comparable pay and benefits.

The settlement is \$1.2 million less than the jury awarded Hinton, a project manager fired in July 2003 for, she said, raising questions about the loan program.

Despite the smaller amount, Hinton's lawyer said he was pleased.

"We brought the case in order to make sure she got her job back and to clear her name, and we have done that," Stewart Fisher said.

The city has until May 31 to find a new position for Hinton.

Hinton agreed to settle the case, Fisher said, because for her the case "was about getting a job back and proving she was an honest person," not about the money.

She also didn't want to risk losing an appeal, Fisher said.

The city, meanwhile, stands by its position that Hinton was fired for authorizing a \$1,280.50 federal grant to help weatherize a house she owns with her mother.

City Manager Patrick Baker said the settlement was in the best interest of Durham taxpayers.