

Inns of Court – litigation process: preparing for and filing the complaint

Possible Fact Pattern:

Ms. Deirdre Cooper managed a tire store which employed approximately 10 people. She worked in all areas of the store, including the garage. The store sells tires and offers brake and exhaust repair services. She is a large-boned woman, not unattractive. The store is part of a large chain. Ms. Cooper reports to the regional vice president.

Mr. Billy Duff is a new hire at the tire store. He is training in the garage, but in the mean time he is also required to clean up the shop, empty the garbage and push the display tires outside in the morning and back inside at the close of business. Mr. Duff is young and slight of frame. This is his first full-time job.

One day, Ms Cooper and Mr. Duff arrived at the shop before anyone else. Ms. Cooper told Billy that she appreciated his hard work and his hard muscles. She then directed Mr. Duff to roll out the tire display slowly so that she could “enjoy the view.” Later that same day, Ms Cooper called Billy over to a vehicle where she was doing a brake replacement. Ms. Cooper winked told Billy she needed his longest caliper to make sure the brakes were thick enough. When Billy approached Ms. Cooper to assist her, she intentionally dropped her tool and asked Billy to pick it up for her. While he was bent over, she grabbed his bottom and squeezed.

These events made Billy feel very uncomfortable. He felt intimidated by Ms. Cooper’s authority over him and wanted to succeed at his first job. Because Billy knew that the company had a no discrimination – no harassment policy (He had read the policy manual on his new-hire orientation day), he decided to report the problem to Ms. Cooper’s superior, the regional manager.

On Billy’s complaint, Ms. Cooper was called on the carpet and reprimanded. She was not fired or suspended and she was still Billy’s supervisor. The two avoided each other as much as possible. Then one evening after closing, as Billy was unlocking his car, he heard a soft, sinister voice behind him say, “I’ll show you that sex harassment can be fun.” Billy spun around to find Ms. Cooper standing very close to him. She grabbed his hands and placed them firmly on her breasts. She kissed him hard on the mouth and then kicked him in the groin. Billy fell to the ground and passed out. Just then a security guard passed by and Ms. Cooper shouted that Billy had attacked her. She said she had kicked him in self-defense. Billy was arrested and charged with lewd conduct. The next work day, Billy was called into the office of the Regional Manager. He was advised that because of his assault on Ms. Cooper he as being terminated.

Both Billy and Ms.Cooper have decided to retain attorneys to protect their interests.