

**Employment Retaliation - A black worker at a manufacturing company was fired after he complained that a Ku Klux Klan hood had been placed in his locker**

*Thomas v. Chemical Lime Company*, 1:10-228

Plaintiff: Jon C. Goldfarb, Daniel E. Arciniegas and Lachlan W. Smith, *Wiggins Childs Quinn & Pantazis*, Birmingham

Defense: M. Jefferson Starling, III and Daniel E. Harrell, *Balch & Bingham*, Birmingham

Verdict: \$314,300 for plaintiff

Federal: **Birmingham**, 1-14-11

Judge: Inge P. Johnson

Albert Thomas, who is black, started working in 1984 for Chemical Lime Company. The firm manufactures lime products that are used in waste treatment. Thomas quickly became a control manager. It is a prized position at Chemical Lime and Thomas earned some \$20 an hour.

The trouble for Thomas started in 2007 when a young plant manager (age 34) took the reins. Thomas had a perception that at age 60, he was targeted for removal. In the summer of 2008, Thomas found a Ku Klux Klan hood in his locker. He promptly complained.

A month later he was demoted to the position of laborer. Then just three months later in December of 2008, he was terminated. The company replaced him with a younger white worker. This litigation followed. Thomas alleged a variety of counts include age and race discrimination, racial harassment and retaliation. The plaintiff focused that he was let go because he had the temerity to challenge racial harassment.

Chemical Lime defended and denied there was any racism or agism at all. In defending the initial demotion, it explained this was a function of poor performance by Thomas. Namely he left the lime machine unmanned and a malfunction occurred. This then led to a plant-wide shutdown.

The company prevailed by summary judgment on retaliation regarding demotion. It further defended (and this count went to the jury) regarding the firing. The company described that following his demotion, Thomas became insubordinate.

The jury's verdict is not a part of the record. However it is learned that of eight counts presented by Thomas, the verdict was for Chemical Line on seven. The plaintiff prevailed only on retaliation. The jury awarded him \$54,310 in compensatory damages plus \$260,000 more in punitives. The verdict totaled \$314,310 and a consistent judgment followed.