

The Batson Case Study No. 2 from Judge Olu Stevens

4535 - Reverse Race Discrimination - A white MSD employee missed out on a promotion, his boss remarking he was “too white”

Meredith v. MSD, 05-6148

Plaintiff: Michele D. Henry and Alton D. Priddy, *Priddy Cutler Miller & Meade*, Louisville

Defense: Laurence J. Zielke, Nancy J. Schook and Anne E. Trout, *Zielke Law Firm*, Louisville

Verdict: \$244,834 for plaintiff

Court: **Jefferson**, J. Stevens,
1-26-11

Greg Meredith started working in 1988 for the Metropolitan Sewer District (MSD) – by 2004, he had finally decided to apply for an entry-level supervisor position. [He had been a union man for years and was ready to shift to management.] It was as a so-called Assistant Telespection Supervisor – the job was related to the cameras that MSD uses to inspect sewer lines.

There were five applicants that replied to MSD’s posting. Meredith, who is white, was interviewed and thought it went well. He was not selected. MSD instead went with a black applicant. It would explain the black applicant was more qualified.

Meredith thought race was behind the decision. He cited a MSD bigwig (Saeed Assef) who had remarked even before the interviews that while Meredith was highly qualified, he was simply “too white” for the job. Thus the decision was essentially made in advance, a less-qualified minority getting the job. Meredith has since retired from MSD.

If Meredith prevailed in this KRS 344 reverse race discrimination lawsuit, he sought lost wages of \$36,605 (the promotion came with a 5% pay raise) as well as lost pension benefits. The economic damages were quantified by Robert Pulsinelli, Economics, Bowling Green. The jury could also award emotional suffering damages.

MSD defended that race had nothing to do with its decision. Namely, Meredith failed a blueprint test and otherwise had poor supervisor skills. The selected applicant (Anthony Kimbrough) was described by MSD as the most qualified.

There is no jury verdict in the court record. Apparently it was for Meredith on the discrimination count, the jury awarding him lost wages of \$36,605 plus \$102,032 more in lost pension benefits. His emotional suffering was \$106,197, the verdict totaling \$244,834. MSD has since sought JNOV relief reiterating its trial arguments that Meredith was not the most qualified applicant.