

# The Tennessee Jury Verdict Reporter

The Most Current and Complete Summary of Tennessee Jury Verdicts

September 2022

Statewide Jury Verdict Coverage

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**Sexual Harassment - A female employee of a motorcycle dealership alleged she was sexually harassed by the owner which included sexual remarks, leering, touchings and invitation for an overnight trip in a quid pro quo for advancement with the company – a Knoxville jury found for the plaintiff on all counts and imposed punitive damages of \$4,000,000 that were later reduced to \$1.2 million to account for**

**Tennessee's tort reform scheme**

*Hindenburg v. Knoxville Harley-Davidson, 198242-1*

Plaintiff: Jason A. Lee, *Burrow Lee*, Nashville

Defense: Melissa B. Carrasco and Penny A. Arning, *Egerton McAfee Armistead & Davis*, Knoxville

Verdict: \$4,172,132 for plaintiff

Court: **Knox (Chancery)**

Judge: John F. Weaver

Date: 2-18-22

Sarah Hindenburg started working in February of 2017 for Knoxville Harley-Davidson as a sales associate – she also helped out with the clothing store and the parts department. The motorcycle dealership actually operates as two companies, Knoxville Harley-Davidson and Knoxville Harley-Davidson West.

There would be fact disputes as to whether the two companies were actually separate. Hindenburg believed they were a single entity that was operated by their owner, Dile Brown. The companies argued they were separate. This would later be a

fact issue at trial.

In any event Hindenburg alleged that Brown engaged in a long-standing pattern of sexual harassment. He made sexual remarks (he wondered if her pubic hair matched her hair color) and stared at her breasts. There were touchings and a discussion of adding a stripper pole. It was further alleged that Brown asked Hindenburg to clock out and join him for a sexual encounter.

The harassment (from Hindenburg's perspective) grew more insidious and persistent in 2019. There was proof she made an internal complaint about the stripper pole incident. Nothing was done in response to that report.

Then moving forward to the key event in the case, Brown invited Hindenburg to his home for a discussion of her future with Harley-Davidson. Hindenburg recalled that Brown made sexual gestures (as if holding her breasts) and made an implied quid pro quo offer that if she allowed him to squeeze her breasts, he'd suggest her advancement to the dealer's general manager. Hindenburg left disgusted and resigned two days later.

Hindenburg filed this lawsuit two weeks later. She first alleged a statutory Tennessee Human Rights Act claim that the above-described conduct represented quid pro quo sexual harassment and severe and pervasive sex discrimination. She also alleged constructive discharge. She