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Retaliation

Federal Jury Awards Hotel Baker \$3 Million In Retaliation Suit Involving Hidden Camera

A federal jury has awarded \$3 million to a hotel baker on allegations his Westin Hotel supervisors installed a hidden camera near his workstation in retaliation for his complaints of race discrimination and retaliation in violation of Title VII of the 1964 Civil Rights Act, an attorney for Mendez told BNA March 11 (*Mendez v. Starwood Hotels & Resorts Worldwide Inc.*, S.D.N.Y., No. 08-4967, *jury verdict* 3/10/10).

Kenneth P. Thompson, of Thompson Wigdor & Gilly in New York, said that the jury March 10 awarded plaintiff Moises Mendez \$1 million in damages for his emotional distress and \$2 million in punitive damages after a three-week trial.

"I think the jury verdict was very important. It showed that no employer should be able to spy on employees in retaliation for filing a discrimination complaint," Thompson said.

Starwood Hotels & Resorts Worldwide Inc., which owns the Westin Hotel where Mendez worked, did not respond to BNA's March 11 request for comment.

Verbal Harassment, Discrimination. In May 2008 Mendez, a hotel baker for the Westin Hotel in Times Square, sued the hotel's parent company, Starwood Hotels &

Resorts Worldwide Inc., alleging race discrimination, harassment, and retaliation under Title VII.

According to his complaint, his co-workers and supervisors discriminated against him and verbally harassed him over the course of his five-year employment at the hotel, frequently referring to the Ecuadorean immigrant as "that Mexican piece of shit."

After he had complained internally and filed a discrimination charge with the New York State Division of Human Rights in May 2007, Mendez alleged his supervisors retaliated by placing a surveillance camera near his workstation, according to Thompson.

Thompson said that he believes the jury awarded the \$2 million in punitive damages in part because he demonstrated that the hotel had altered witness statements pertaining to the allegations. "I think the jury was very troubled by the egregiousness of the hotel's conduct," Thompson said.

The company was represented by Michael Starr of Hogan & Hartson in New York and by Loren L. Forrest Jr. of Holland & Knight in New York.

BY JANET CECELIA WALTHALL

Text of the complaint may be accessed at <http://op.bna.com/dlrcases.nsf/r?Open=jcwl-83fuu5>.