

What's It Going to Take: Settlement Value/Monetizing Your Case


**MALINDA A. GAUL
GAUL AND DUMONT**

1

Sexual Harassment: Hostile Work Environment


1. Plaintiff is a 30-year-old female and was hired as the Executive Assistant to the President of a small bank with 45 employees (President is a married male in his 50s). Plaintiff was hired in January of 2023 and says that the President began constantly touching and rubbing against her almost immediately after her employment began. Plaintiff says that at least every week the President would touch or rub-up against her (including her breasts or behind) or summon her to the vault or some other place where he engaged in unwelcome sexual talk. Plaintiff reports that he constantly tried to talk to her about sexual topics, including asking if she was dating anyone, how she felt about sex with an older man, and what sexual positions she preferred. Plaintiff said that she was touched, rubbed or pinched every week, even after asking the President to stop.

2



Plaintiff says that she never received training on sexual harassment or was told who she could report it to (and that she had repeatedly told the President to stop). Plaintiff also says that the rumor at the bank is that the employee who is in charge of Human Resources is the President's cousin and answers to him. Plaintiff says she was afraid to report the harassment out of fear for her job.

In October of 2023, ten months into her employment, the bank President told her that he had "good news" and that she was such a valuable employee that he selected her to attend the 2023 Trade Show for Small & Regional Banks with him in Las Vegas in November (he said that he usually goes alone but wanted her to learn more about the industry "for her job").



Plaintiff says that she quit because she did not want to go to Las Vegas alone with the President. Plaintiff says she was so traumatized by what she went through (she is taking anxiety medication for the first time after the termination and is seeing a psychologist) that she decided to move back to Missouri, live with her parents and go back to college. Plaintiff thus does not seek lost-wages, but seeks compensation for mental anguish and punitive damages (which are "capped" at \$50,000 for an employer of this size).

The Bank is able to show that the head of Human Resources is *not* related to the President and that the Bank's Anti Sexual Harassment Policy was posted in the employee break room from the time that the employee started. The policy provides for anonymous or direct reporting to the head of Human Resources.

What Do You Think?

5

What is a reasonable amount for the parties to agree upon to settle this dispute without litigation?

EMPLOYEE-SIDE

- Average in 2018: \$35,232
- Range in 2018: \$10,000 - \$50,000
- Average in 2024: \$125,000
- Range in 2024: \$50,000 - \$200,000

EMPLOYER-SIDE

- Average in 2018: \$33,330
- Range in 2018: \$7,500 - \$50,000
- **Average in 2024: \$18,000**
- Range in 2024: \$10,000 - \$25,000

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: What's It Going to Take: Settlement Value/Monetizing Your Case

Also available as part of the eCourse

[2024 Labor and Employment Law eConference](#)

First appeared as part of the conference materials for the
31st Annual Labor and Employment Law Conference session
"What's It Going to Take: Settlement Value/Monetizing Your Case"