

## OH BROTHER, MAKE IT STOP!

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By now you have probably already heard that another celebrity is in the news as a result of harassment allegations. In Savannah, Georgia, Paula Deen, her brother "Bubba," and their restaurant Uncle Bubba's Oyster House have been sued for racism and sexual harassment. According to a complaint filed in Chatham County by former employee Lisa Jackson, "Bubba" Hiers engaged in violent behavior including sexual harassment directed at female employees.

### SAY WHAT?

Ms. Jackson had been promoted to general manager at the restaurant by Paula Deen after a previous general manager, who was male, was fired for having inappropriate relationships with subordinate employees, according to the complaint. At the time, Ms. Deen allegedly made a pointed comment about the fact that she did not intend to lose all she had worked for just because of the former general manager's illicit pursuits.

Ms. Deen also made comments about the reasons why she thought a female should be placed in the position as general manager, the suit claims. The complaint further alleges that managers and others used anti-Semitic, sexist, and racist language, and that females were paid less than males for similar work.

### LET'S NOT MAKE A FEDERAL CASE OUT OF THIS

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Ms. Jackson's attorney reportedly made many attempts to secure a settlement, asking for as much as \$12 million from Ms. Deen. When his attempts to secure an acceptable settlement failed, he filed the lawsuit in Georgia Superior Court in Chatham County.

Rather than bringing claims under federal anti-discrimination laws, the complaint includes counts apparently brought under Georgia law for sexual harassment, emotional distress, assault, battery and other claims, along with a request for attorneys' fees under a Georgia law that allows for fees when it is shown that the defendant has acted in bad faith or has caused the plaintiff unnecessary trouble or expense.

The specific allegations, which have been labeled as being "explosive," are detailed and vulgar. Events and comments allegedly occurring during the past five or more years are included to portray a pattern of bad behavior over an extended period of time by the restaurant owners and management. Ms. Jackson alleges that there was no human resources department to address her concerns, and that management did not appropriately respond to her many complaints about inappropriate behavior.

## **A RESPONSE, AND AN ANSWER**

According to her attorneys, Paula Deen says the claims are false, and that they were filed after she refused to pay Ms. Jackson to "address false claims" and "keep her quiet." Calling the allegations baseless and inflammatory, and arguing that Jackson and her attorney just want to attack Deen because she would not pay the \$1.25 million they demanded, Deen's attorneys sought a gag order to restrict pre-trial comments about the allegations and attempt to minimize the adverse publicity. The Judge denied the request for a gag order. However, days later, following a closed-door meeting with the Judge, Ms. Jackson's attorney said he would no longer provide information about the case to the media.

Deen's lawyers filed an answer to the complaint in court only one day after the complaint was filed. The answer denied the allegations and asserted that because Ms. Jackson did not file a Charge with the EEOC regarding the alleged sexual harassment those claims should be dismissed. The answer

also asked that all events allegedly occurring two or more years before the filing of the complaint be stricken.

## **SO WHAT'S THE POINT?**

This case illustrates once again how things can get ugly very fast when an unhappy former employee raises allegations and files a lawsuit. Lawsuits often contain spurious and scandalous details, essentially whatever the plaintiff and her attorney choose to allege and claim to be true. Because lawsuits filed are immediately available to the public, those details spread like wildfire through the media, especially when a prominent celebrity or company name is the target of the lawsuit.

We do not know, and may never know, the truth about all of the details regarding Ms. Jackson's allegations in this case. Clearly Ms. Deen vehemently denies Ms. Jackson's allegations. No doubt the others involved have varying recollections and accounts of the events and circumstances involved.

But this case does serve as a reminder that all such allegations made by a current or former employee should be taken seriously. All organizations should have policies and practices in place to timely investigate and document the facts and circumstances when allegations of harassment or inappropriate conduct are raised. Then, if claims are made years later, there is specific documentation and detail to deter an individual who may wish to falsely portray things to gain leverage over the organization and management.

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