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Same-sex suit on harassment brings \$2.4M

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A federal jury Tuesday awarded more than \$2.4 million to a butcher who was the target of racial and sexual harassment at the hands of his male supervisors and co-workers.

The jury in U.S. District Judge Robert M. Dow Jr.'s court deliberated about five hours before returning the verdict in favor of Robert Smith.

The jury ordered Rosebud Farmstand on Chicago's South Side and two managers to pay Smith a total of \$802,500 in compensatory damages and \$1,605,000 in punitive damages.

Dow said he will enter a judgment in the case after he determines the amount of back wages Smith is owed.

Smith alleges he endured years of harassment while working in the meat department of the grocery store on 130th Street.

Smith, who is black, contends his male supervisors and co-workers frequently directed racial slurs at him.

His supervisors and co-workers also harassed him by repeatedly grabbing his penis and testicles, slapping his buttocks and simulating sex acts, Smith contends.

He contends two other black employees also were harassed.

Smith's attorney, Joseph A. Longo of Longo & Associates Ltd. in Mount Prospect, said he's pleased with the verdict.

"What they did was wrong," he said.

He said the eight jurors who returned the verdict apparently agreed with him.

"I think the jury wanted to send a message," Longo said. "When you go to work, you don't surrender your body."

The lead attorney for Rosebud is Joshua D. Holleb of Klein, Dub & Holleb Ltd. of Highland Park.

The firm's Davi L. Hirsch represents the two supervisors sued by Smith.

Neither Holleb nor Hirsch could be reached for comment.

Smith contends his supervisors ignored his complaints about the harassment.

In fact, he maintains, his supervisors — general manager Carlos Castaneda and assistant manager Rocky Mendoza — participated in the harassment.

Castaneda and Mendoza also retaliated against him for complaining about his treatment, Smith alleges.

He contends he was suspended in December 2007 for taking time off even though Mendoza had given him permission to be absent. In addition, his work hours were reduced about a week later.



Joseph A. Longo

The harassment increased after he filed a charge with the Equal Employment Opportunity Commission, Smith alleges, and became so bad he was forced to quit in June 2008.

The award returned by the jury included \$250,000 in compensatory damages and \$500,000 in punitive damages on each of three claims — sexual harassment, racial harassment and retaliation — brought by Smith.

On a claim brought under the Illinois Gender Violence Act, the jury ordered Castenada to pay \$50,000 in compensatory and \$100,000 in punitive damages. Mendoza was ordered to pay \$2,500 in compensatory and \$5,000 in punitive damages.

Last month, Dow granted summary judgment in favor of Rosebud on the Gender Violence Act claim.

In a written opinion, Dow held the Illinois General Assembly intended to allow victims of gender-related violence to sue only individuals, not corporations.

The case is *Robert Smith v. Rosebud Farmstand, et al.*, No. 11 C 9147.