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Jury Sides With Georgia Teacher In Disability Bias Case

By **Alexis Shanes**

Law360 (June 14, 2021, 7:32 PM EDT) -- A federal jury in Atlanta said a former special education teacher should get \$450,000 in damages for claims that a Georgia school district refused to let her alternate between sitting and standing on the job to help alleviate a muscular disorder.

After a five-day trial, the jury on Friday granted Crystal Lamb compensatory damages for each of her three Americans with Disabilities Act and Rehabilitation Act claims against the Clayton County School District: \$200,000 each for disparate treatment and failure to accommodate, and \$50,000 for retaliation.

The award is subject to a federal cap, so Lamb's compensatory damages will be limited to \$300,000, said John Stembridge, managing partner at Stembridge Taylor LLC and an attorney for Lamb.

Punitive damages aren't applicable in the case because the school district is a public entity, Stembridge told Law360 on Monday. However, Lamb will also receive other damages, including back pay, benefits and attorney fees, in amounts to be determined by the court, he said.

"It was a well-trying case," Stembridge said. "I don't get the sense that there's going to be an appeal."

"Defense counsel did a good job with the facts that they had," he said, adding that he hopes the school district reviews its internal procedures to avoid similar situations in the future.

Lamb had disclosed her inherited myotonic dystrophy to the school when it hired her for the 2017-18 school year. The condition made it harder for Lamb to recover after she injured her knee and ankle when she fell in her classroom, she claimed.

While a physician cleared Lamb to go back to work the day after her fall, with a few restrictions, the school refused to communicate with Lamb about her request to alternate between sitting and standing with no bending, kneeling or prolonged standing, she claimed.

The school told Lamb she couldn't go back to the classroom until she was fully healed, and she said she was ultimately forced to take a leave of absence after her request for a different job was also denied.

In emails throughout fall 2017, the human resources representative who turned down Lamb's request for accommodations wrote, "this lady is obese" and "is one to watch very closely," referring to Lamb, she claimed.

The representative also said of Lamb, "To put it bluntly, she lies and does not do it well," according to Lamb's complaint.

The school district never explained why Lamb's requested accommodations would have been a burden, and instead extended her leave, she said.

At the beginning of March 2018, Lamb said, she was given three options: return to work fully, seek

retirement or disability, or resign. But at the end of that month, she was fired, allegedly for failing to give reasons for her absences.

In her February 2019 complaint, Lamb claimed the school district fired her instead of granting her request for accommodations.

In its summary judgment bid a year later, the school district argued that Lamb's request for accommodations was based on an on-the-job injury, not a disability.

The case went to trial after U.S. District Judge William Ray II rejected the school district's bid for summary judgment in September, saying the parties still disputed whether Lamb had a disability and had requested accommodation based on it, as well as whether a physical component of her job was essential.

An attorney for the school district did not immediately respond Monday to a request for comment.

Lamb is represented by John Stembridge and Lisa Taylor of Stembridge Taylor LLC and Holly Pierson of Pierson Law LLC.

The school district is represented by Shirnelle Council, Valorri Jones and Winston Denmark of Fincher Denmark LLC.

The case is Lamb v. Clayton County School District, case number 1:19-cv-00695, in the U.S. District Court for the Northern District of Georgia.

--Editing by Abbie Sarfo.