

# DAILY REPORT

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## Two-Lawyer Labor Boutique Lands Back-to-Back Federal Jury Victories

Plaintiffs lawyers Lisa Taylor and John Stembridge said it was gratifying if exhausting to try two cases in such a short span of time.

By Greg Land | June 17, 2021



**John Stembridge (from left), plaintiff Crystal Lamb, paralegal Victoria Engleman and Lisa Taylor. (Courtesy photo)**

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Two-lawyer employment boutique Stembridge Taylor notched two recent trial wins, including a \$450,000 judgment against Clayton County Public Schools for a teacher fired over a disability claims and a sex discrimination verdict of \$400,000 against a Dalton car dealership that was reduced by a statutory damages cap to \$150,000.

Plaintiffs lawyers Lisa Taylor and John Stembridge said it was gratifying if exhausting to try two cases—one in the U.S. District Court for the the Northern District of Georgia in Rome, the second in the Atlanta courthouse—in such a short span of time.

“One of the bigger challenges was switching from one federal trial to another in 15 days,” said Stembridge, who merged his solo practice with Taylor’s to form Stembridge Taylor.

The first trial was held before Magistrate Judge Walter Johnson in Rome in late May and indeed with a verdict of \$400,000 for plaintiff Melanie Johnson, but on Tuesday the judge entered judgment for \$150,000, writing that Title VII of the U.S. Civil Rights Act limited compensatory and punitive damages to \$50,000 on those claims.

“The jury awarded \$50,000 in compensatory damages, \$250,000 in punitive and \$50,000 each on state law claims for intentional infliction of emotional distress and negligent retention,” said Taylor, the lead lawyer in that case.

“The message the jury was sending was pretty clear that they were displeased with how the dealership was treating its employees,” Taylor said.

According to the lawyers and case filings, Johnston’s complaint leveled Fair Labor Standards Act as well as Title VII and state claims against Pye Cars of Dalton, which operates Honda, Hyundai and Kia dealerships in the northwest Georgia town, and owner Lionel “Johnny” Pye Jr.

Johnston’s complaint said she began working for Pye in August 2017 and was routinely ordered to work 10 to 12 hours a day, five or six days a week, for \$9 an hour, with no time-and-a-half for overtime, and was ordered not to leave her desk on her lunch break, although she was officially off the clock then.

But scaled-back pay was only a small part of her complaint; she also said salesman Greg Flower repeatedly and openly made comments about her clothes and body and asked her to have sex with him.

On occasion, the complaint said, Johnston told Flower “that he should not be saying those things to her, because he is married. He responded that it didn’t matter—he would just push his wife, who was previously paralyzed in an accident and uses a wheelchair, ‘down a hill.’ He said this to Ms. Johnston on multiple occasions.”

Her boss, Pye, did not solicit sexual favors, her complaint said, but he “made sex-related comments” that “demonstrated to Ms. Johnston that he not only did not object to sexual harassment in the workplaces that he owned and operated, but that he even condoned it.”

“As an example of Mr. Pye’s comments, one time he said to Ms. Johnston something like ‘Can I tell you that you look good in that dress? Oh, no! That would be sexual harassment!’ His tone was sarcastic and demeaning.”

During her employment with Pye, he was also being sued for sexual harassment by another former employee.

"Johnston overheard Mr. Pye talking about the case and heard him refer to the plaintiff as a 'whore' and say, 'I've got more money than her so I'll eventually win,'" the complaint said.

Johnston complained to her superiors, but nothing was ever done until March 2018, when the dealership's finance manager noticed she was upset at her desk and asked what was wrong.

When she related the things Flower was saying to her—including a comment he'd just made about wanting to "see her clothes laying on the floor next to his bed"—the manager said he'd take care of it.

A little while later she was called into the office of another dealership supervisor, Greg Black, and told she was being terminated.

"Ms. Johnston asked if this was because she had complained about harassment," her complaint said. "Mr. Black said that it was not—that it was because she had allegedly been rude to an insurance broker on the phone.

"Ms. Johnston received a Georgia Department of Labor Separation Notice in that same meeting, but it did not say anything about her alleged rudeness. The Separation Notice stated that Ms. Johnston was terminated due to 'lack of work.'"

Taylor said Flower was also fired the same day.

Johnston sued Pye and the dealership in 2019.

During the case's pendency, "we made couple of demands," Taylor said. "One global settlement demand, one specific to the wage-and-hour claims, but we never heard any response."

Two days before the trial the parties settled the FSLA claims; according to a stipulation entered by the court, the defendants paid \$2,000, including \$1,000 representing "approximately 222 hours of overtime based upon a regular hourly rate equivalent of \$9.00 and an overtime rate of \$13.50," and \$1,000.00 for liquidated damages.

The case went to trial May 17 with R. Patrick White and Jeffery Kershaw of Kershaw White representing Pye.

At trial, Taylor said witnesses testified to having heard Flower's comments, and Flower himself "admitted to making inappropriate comments—some, not all."

Black, Pye's corporate representative, testified that he didn't know about the harassment, she said.

On May 19 the jury returned its verdict, but the judgment was delayed while the parties wrangled over the number of employees Pye Cars of Dalton had, since the statutory damage limits are based on that factor.

On June 14, the parties entered a stipulation agreeing that the dealership had more than 14 and fewer than 101 employees at the time Johnston worked there—the range outlined in the law—and that the \$50,000 caps on those claims was appropriate.

Johnson entered his judgment the following day.

Lead defense counsel White said there would be no challenge to the verdict.

"Judge Johnson did an excellent job presiding over the trial," White said via email. "We have no plans to file either post-trial motions or an appeal."

## Nixed Accord

The second case involved special education teacher Lisa Lamb, who was hired by the Clayton County Schools for the 2017-2018 school year and who, according to her complaint, had noted on her hiring paperwork that she suffered from myotonia disorder, a hereditary condition described by Stembridge as a type of muscular dystrophy.

In October 2017 Lamb, now 47, fell “while trying to prevent a student from leaving the classroom, and injured her knee and ankle,” her complaint said.

The doctor who examined her said Lamb could return to work full-time the next day, on conditions including that she sit 70% of the time, wear a brace or splint and not squat or kneel.

A human resources analyst told Lamb the district could not accommodate her release conditions and that she should take a leave of absence, and she was placed on leave through January 2018.

Lamb’s doctor again released her to work on condition that she alternate sitting and standing, not stand or walk for more than 30 minutes and refrain from kneeling or crawling.

“Instead of communicating with Ms. Lamb regarding the requested accommodations,” her complaint said, the district gave her three options: return to work with no restrictions; apply for retirement or disability or resign.

Months later, Lamb told the district’s absence management analyst that she had not been released to work without restrictions and was informed “that someone from Defendant’s legal department would contact her as there was nothing else she could do for her.”

On March 30, 2018, she got a letter from Clayton School Superintendent Morcease Beasley “recommending termination of her employment for failure to provide proper notice of her recent absences.”

Lamb filed a discrimination complaint with the Equal Employment Opportunity Commission, which determined that there was reasonable cause to conclude that she had suffered discrimination and retaliation under the American with Disability Act.

She filed suit in 2019.

Stembridge said the case seemed to be a straightforward ADA case that should have never gotten so far.

“To us it was perplexing that they didn’t look at her injury and realize he had muscular dystrophy and engage as to what they could do for her,” he said. “They treated her fall at work as a workers’ compensation injury, and they and the department that handles ADA issues weren’t talking to each other.”

According to the court docket, there was mediation of the case before Gino Brogdon of Henning mediation & Arbitration Services in March in which the parties agreed to settle for \$250,000, but the Clayton County School Board voted not to accept it and to go to trial instead.

Trial began June 6 before Magistrate Judge Justin Anand, with Winston Denmark and Valorri Jones of Jonesboro’s Fincher Denmark representing Clayton County Schools.

Shortly before trial, the plaintiff’s team recruited Pierson Law principal Holly Pierson to help try the case.

During the five-day trial, Taylor said it was “a little difficult to say what their defense was. They said they didn’t know about her condition, but she had submitted 10 or 15 letters from her doctor.”

“I think it was a matter of them putting her workers’ comp claims in one silo that was sort of walled off from the ADA department silo,” Stembridge said.

On June 11, after about a day of deliberations, the jury awarded \$450,000, including \$200,000 each on claims the school district both discriminated and failed to accommodate Lamb's disability under the ADA, and \$50 for retaliation under the act.

In speaking to jurors afterward, Srtembridge said "there was a suggestion that this was a very clear message that Clayton County needs to address its internal procedures so this doesn't happen again."

Clayton County Schools' defense counsel did not respond to a request for comment.

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