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Attorneys secure \$15 million jury verdict in wrongful termination suit

By Nicola Tyau

A Los Angeles County jury awarded \$15 million to a former fast-food restaurant supervisor who said she was fired for reporting inappropriate sexual conduct by two other managers.

The plaintiff's attorney held up the case as a cautionary tale about forced employee arbitration agreements, which have drawn scrutiny from California lawmakers.

Jack in the Box Inc., the plaintiff's employer, requires employees to sign arbitration agreements but failed to have her sign one, according to Ebby Bakhtiar of Livingston Bakhtiar, who tried the 39-day case with Keith Griffin of Girardi Keese.

"There would've been an arbitration agreement had she signed it, had she known about it, and none of this would have been disclosed," Bakhtiar said. "We don't know how many other similar cases exist against Jack in the Box that will never see the light of day because of these forced arbitrations."

Plaintiff Blanca Ramirez was a supervisor at Jack in the Box for 12 years, according to the complaint filed in September 2015. *Ramirez v. Jack in the Box*, BC593619 (L.A. County Sup. Ct., filed Sep. 4, 2015).

Ramirez reported the restaurant's 31-year-old female manager was romantically involved with two workers, including a 17-year-old female cashier. She reported the incident to an anonymous hotline with the company, but she claims in the suit she was harassed and retaliated against.

After a work-related injury in 2013, Ramirez claimed the harassment escalated. Months after the injury, Ramirez reported a 22-year-old male supervisor was engaging in what Ramirez "perceived to be sexual misconduct in the workplace" with multiple 16-year-old workers. According to her lawsuit, Ramirez was fired a week after making the complaint.

Bakhtiar and Griffin said Jack in the Box claimed Ramirez was fired for moving cars from the drive-through line to parking spaces to expedite the line.

“Their basic defense was that she was an at-will employee,” Griffin said. “They could fire her for any reason. They seemed to think that they had this policy against parking cars that were delaying the line. Turned out it wasn’t any kind of a policy.”

Bakhtiar said it’s possible the two superiors who allegedly engaged in inappropriate behavior could face criminal charges for their actions.

“What Ms. Ramirez was trying to do is protect these girls because she knew that they’re young, and they’re easily influenced,” Bakhtiar said. “She didn’t want them getting taken advantage of, and she was protecting the company. She was doing what the company wanted her to or should have wanted her to do.”

The jury awarded her \$5 million plus \$10 million in punitive damages. The plaintiffs’ attorneys said they would seek attorney fees and costs as well.

Jack in the Box issued a statement vowing to appeal.

“The company believes that it has no liability in this case and that the trial court committed reversible error on numerous grounds,” spokesman Brian Luscomb said in a statement Wednesday. “It strongly disagrees with the verdict and the damages awarded by the jury and intends to file post-trial motions with the trial judge.”