

[Cite as *Brill v. Ohio Bur. of Motor Vehicles*, 2001-Ohio-3959.]

IN THE COURT OF CLAIMS OF OHIO

CAROL BRILL :
Plaintiff : CASE NO. 98-04590
v. : DECISION
BUREAU OF MOTOR VEHICLES : Judge Russell Leach
Defendant :
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Plaintiff, an employee of defendant at all times relevant hereto, brought this action pursuant to R.C. 4112.01 et. seq., alleging, *inter alia*, that she was sexually harassed by her supervisor, Mark Perry. The issues in the case were bifurcated and subsequent to the liability trial the court issued a decision finding that plaintiff had been sexually harassed by her supervisor and that defendant was vicariously liable for such conduct. The case was then tried to the court on the sole issue of damages.

In closing argument, plaintiff's counsel acknowledged that placing a value on the emotional and psychological effect of the harassment is a difficult task. Indeed, review of R.C. 4112.01, *et. seq.*, and the relevant case law, provides little guidance to the court. Plaintiff maintains that the conduct she endured in this case was serious, egregious, predatory and well beyond "garden variety" sexual harassment. In contrast, defendant argues that the period of time involved was relatively minor,

that the psychological impact was mild and temporary, and that this action does not represent the "worst case scenario" in a sexual harassment context.

Upon consideration of all of the evidence and arguments submitted, the court finds that plaintiff was subjected to extreme, debilitating sexual harassment from November 1996 to March of 1997. While the period of time may appear to be relatively short, it does not diminish the severity of the conduct that plaintiff endured. Likewise, the fact that certain conduct occurred only one or two times does diminish its impact upon plaintiff.

Based upon the totality of the circumstances, the court concludes that plaintiff is entitled to compensation in the amount of \$50,000. Judgment is therefore rendered for plaintiff in that amount, plus \$25 for the cost of filing this action.

RUSSELL LEACH
Judge

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CAROL BRILL :
Plaintiff : CASE NO. 98-04590
v. : JUDGMENT ENTRY
BUREAU OF MOTOR VEHICLES : Judge Russell Leach
Defendant :
: : : : : : : : : : : : : : : : :

This case was tried to the court on the sole issue of damages. The court has considered the evidence, and for the reasons set forth in the decision filed concurrently herewith, judgment is rendered in favor of plaintiff in the amount of \$50,025 which includes the filing fee paid by plaintiff. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

RUSSELL LEACH
Judge

Entry cc:

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