

September 2024

# Know Your Limits

Your Monthly Wrap-up of **Business Losses**

Presented by **Winters-Oliver Insurance Agency**

Employment Practices  
Liability

## Technology Company Settles Bias Lawsuit for \$14.4 Million

California state officials reported that a Washington-based technology company agreed to pay \$14.4 million to settle a lawsuit from employees who alleged the organization discriminated against workers who took leave because they were sick or disabled or needed to care for a child or other household member. The California Civil Rights Department claimed the company penalized employees who took leave and noted that a high proportion of them were women or people with disabilities. The department also alleged those employees received lower performance ratings and were less likely to receive promotions or salary bumps. Additionally, since they did not get credit for working on leave, the lawsuit claimed those employees lost annual bonuses based on work time. The company, which has 14 California offices, agreed to compensate employees who have worked for at least 90 days since May 2017 and took leave under the company's "protected leave" program, which covers parental, pregnancy, disability and family caretaking leave. The settlement awaits a judge's approval.

Medical Liability

## Family Receives \$15.4 Million Jury Award in Medical Malpractice Case

A deceased Connecticut woman's family received a \$15.4 million verdict after a jury determined she was provided too much anesthesia and then not properly resuscitated. According to the complaint, the incident occurred when the individual went to a medical center for an outpatient endoscopy procedure and sustained sedation-induced respiratory depression and hypoxia while under anesthesia. The complaint also states this resulted in the individual going into cardiopulmonary arrest and sustaining a catastrophic brain injury. According to the plaintiff's attorney, the doctor and his team failed to recognize what was occurring. They did not properly resuscitate her, initiate chest compressions or issue a hospital-wide code. The medical group practice and the estate of the doctor leading the medical team were defendants in the case.

Liability

## Jury Awards \$68.5 Million After Fatal Construction Site Fall

A Philadelphia jury issued a \$68.5 million award to the estate of a construction worker who died following a construction site fall in 2021. The individual fell almost 50 feet from a balcony while installing siding. The lawsuit claimed the temporary wooden guardrail attached to the balcony was "grossly inadequate" and "defectively installed." Furthermore, the deceased, who was working for an independent contractor for a siding company, was not equipped with a personal fall-arrest system. The jury found three companies affiliated with a Philadelphia developer to be 90% at fault. The company the plaintiff claimed was the general contractor and primarily responsible for the workplace conditions was determined to be 50% at fault, and two other companies were each found to be 20% at fault. According to court documents, the remaining 10% of the fault was split between subcontractors unaffiliated with the developer.

Liability

## Sports Camp to Pay \$8 Million Settlement in Sexual Assault Case

A Pennsylvania elite action sports camp agreed to an \$8 million settlement after a minor gymnast alleged a coach inappropriately touched them. The plaintiff's attorneys also claimed the camp rehired the coach despite other allegations of misconduct, failed to protect children in its care and tried to silence the minors when they tried to speak up about the incident. The camp has since ended all its gymnastics and cheerleading programs. The coach has been named in multiple lawsuits and criminally convicted of inappropriate touching.