

THE PLAIN DEALER
METRO

SATURDAY, NOVEMBER 25, 2000 | SECTION B

Ohio woman, 71, gets \$31 million in age bias suit

By **JAMES EWINGER**
PLAIN DEALER REPORTER

A Mahoning County jury may have set an Ohio record this week when it awarded a woman \$31 million in an age discrimination case.

Donna Fredrickson, 71, was dismissed three years ago from her position as a regional manager for Olsten Health Services Inc. after 13 years of employment, said her lawyer, Ellen Simon of Cleveland.

Simon, who specializes in employment issues, said the corporation was downsizing and eliminating jobs. She said younger employees at the home health-care provider lost jobs but were given new opportunities with the firm.

Simon said the eight-person jury "wanted to send a message about downsizing."

The panel deliberated for six hours Wednesday before voting 7-1 in Fredrickson's favor. Ohio law requires only a majority of six for civil verdicts.

The breakdown was \$30.7 million in punitive damages and \$675,000 in compensatory damages for Fredrickson, of Poland, Ohio.

The jury also awarded lawyer's fees, which Simon estimated at \$200,000.

Simon has a history of pioneering court cases. She won what many believe was the nation's first same-sex harassment case in 1997. The \$1.6 million verdict has since been appealed and upheld by the Ohio Supreme Court. The court recognized the groundbreaking cause of action but affirmed the claim solely on the basis of intentional infliction of emotional distress.

Simon said the \$31 million may be the largest Ohio award in a civil rights or employment case.

In another large award, a Licking County jury returned a \$51.5 million judgment last year in a breach of contract case, according to Ohio Lawyers Weekly.

The Cleveland law firm representing Olsten declined to comment yesterday and referred all questions to New York-based Gentiva Health Services Inc., the company that acquired Olsten. Michael Johns, Gentiva's vice president for communications, did not return telephone calls.

E-mail: jewinger@plaind.com
Phone: (216) 999-3905