

## **COMPILATION OF SEXUAL HARASSMENT CASES DECIDED IN PLAINTIFFS' FAVOR**

### **First Circuit**

*Billings v. Town of Grafton*, 515 F.3d 39, 49 (1st Cir. 2008) (upholding secretary's hostile work environment claim where supervisor regularly started at her breasts over two and a half year period, despite absence of comments or touching)

*Tang v. Citizens Bank, N.A.*, 821 F.3d 206 (1st Cir. 2016) (noting that it was required to "resolve all factual disputes in favor of the non-moving party," finding that a reasonable jury could determine that plaintiff's supervisor's conduct was both subjectively and objectively offensive, where he interviewed her at a restaurant known as a popular date spot, discussed personal rather than work matters with her at the interview, expressed his view that Asian women are obedient, mentioned that he had hired two live-in au pairs from Thailand and that they did not wear sufficiently revealing swimsuits, offered to teach her golf, inquired about her marital status and dating habits, and made a lewd joke about the word "assume" using the words "ass," "u," and "me")

### **Second Circuit**

*Raniola v. Bratton*, 243 F.3d 610 (2d Cir. 2001) (Sotomayor, J.) (finding the evidence legally sufficient for a reasonable jury to find a hostile work environment where plaintiff experienced verbal abuse on the basis of sex, disparate treatment, and workplace sabotage)

*Schiano v. Quality Payroll Sys., Inc.*, 445 F.3d 597, 606 (2d Cir. 2006) (vacating grant of summary judgment in favor of defendant, and holding that a reasonable jury could have found a hostile work environment where plaintiff's superior commented several times that if plaintiff wanted a raise, she was sleeping with the wrong employee, placed his hand on her skirt and upper thigh at a holiday party and photographed himself doing so, asked if they could go to plaintiff's hotel room after the party, and on several occasions, placed his hands on her back, neck, and shoulders from behind)

*Patane v. Clark*, 508 F.3d 106, 114 (2d Cir. 2007) (supervisor's regular viewing of "hard core" pornography on his computer and his harassment of another woman created hostile work environment for his female secretary)

### **Fourth Circuit**

*Smith v. First Union National Bank*, 202 F.3d 234, 242 (4th Cir. 2000) (reversing summary judgment for defendant on hostile environment claim, despite absence of touching,

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propositioning, or ogling, because “a woman's work environment can be hostile even if she is not subjected to sexual advances or propositions”)

### **Fifth Circuit**

*Harvill v. Westward Commc 'ns*, 433 F.3d 428 (5th Cir. 2005) (see Joan's article)

### **Sixth Circuit**

*Williams v. Gen. Motors Corp.*, 187 F.3d 553 (6th Cir. 1999) (see Joan's article)

### **Seventh Circuit**

*Smith v. Sheahan*, 189 F.3d 529, 531 (7th Cir. 1999) (see Joan's article)

*Hostetler v. Quality Dining, Inc.*, 218 F.3d 798, 801 (7th Cir. 2000) (see Joan's article)

*Passananti v. Cook Cnty.*, 689 F.3d 655, 667-68 (7th Cir. 2012) (evidence that plaintiff was called “b----” for several years and had been falsely accused of having had inappropriate sexual relationship met severe or pervasive standard)

*Quantock v. Shared Marketing Services, Inc.* (7th Cir. 2002) 312 F3d 899, 904 & n. 2 (holding that company president's repeated requests for sex during a single meeting lasting just a few minutes, given his position of authority and the close working quarters)

### **Eighth Circuit**

*EEOC v. CRST Van Expedited, Inc.*, 679 F.3d 657, 687-88 (8th Cir. 2012) (reversing summary judgment for employer against two separate plaintiffs, where evidence in the first case showed that co-worker asked one plaintiff to drive naked, ordered her to urinate in a parking lot, and grabbed her face; and where evidence in the second case showed that co-worker wore underwear in plaintiff's presence, rubbed the back of plaintiff's head, called plaintiff “bitch” five or six times; and told her to dispose of plastic bottles filled with his urine)

*Stewart v. Rise, Inc.*, 791 F3d 849, 861-862 (8th Cir. 2015) (reversing summary judgment for employer where female African-American plaintiff alleged that her male subordinates refused to do “women's work,” threw objects at her, accused her of affairs, engaged in threats of violence and intimidation, and referred to her as a “b----”)

### **Ninth Circuit**

*Ellison v. Brady*, 924 F.2d 872, 878 (9th Cir. 1991) (see Joan's article)

*Fuller v. City of Oakland*, 47 F.3d 1522, 1528 (9th Cir. 1995) (see Joan's article)

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*EEOC v. Prospect Airport Servs., Inc.*, 621 F.3d 991, 999-1000 (9th Cir. 2010) (series of unwanted sexual overtures by female co-worker to male plaintiff were sufficient to create hostile work environment)

**Tenth Circuit**

*O'Shea v. Yellow Technology Services, Inc.*, 185 F.3d 1093 (10th Cir. 1999) (reversing grant of summary judgment for employer and finding that a jury could find a hostile work environment where co-workers made numerous derogatory comments about women and one co-worker remarked that plaintiff was going to file a sexual harassment lawsuit against him)

**Eleventh Circuit**

*Allen v. Tyson Foods, Inc.*, 121 F.3d 642 (11th Cir. 1997) (see Joan's article)

*Reeves v. C.H. Robinson Worldwide, Inc.*, 594 F.3d 798, 803 (11th Cir. 2010) (male coworkers' daily use of "b----," "sl--" and other crude language referring to women created hostile work environment for female worker)