

If You're Experiencing a Massive Jury Verdict, Hang Up and Dial 911!

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ATM 5

A California jury did it again! Last Thursday, a Los Angeles jury awarded \$27.5 million to a former chief nursing officer of a hospital for the alleged post-traumatic stress disorder and other psychological problems she suffered after being constructively discharged from her job. The nurse claimed she had been called to assist in an emergency at the hospital's parking structure after a woman jumped from the eighth floor to the ground and died. The nurse later learned that a man also had jumped to his death from the same structure six years before.

After the incident, the nurse "advocated for stronger safety measures" (including installing a physical barrier), but she was met with "unusually strong resistance from her superiors." The nurse took a medical leave of absence from the hospital after suffering severe psychological problems in part related to treating the suicide victim and also from the stress of "nothing being done to make the structure safer." While on leave, the nurse claimed the hospital replaced her and informed her that the position was no longer available upon her return from medical leave. The jury awarded her \$5 million in economic damages (past and future lost wages and benefits) and \$22.5 million for pain and suffering and emotional distress damages.

This is just the latest example of a California jury awarding a "nuclear" verdict in an employment case and serves as yet another stark reminder to employers regarding the significant advantages of a robust arbitration program, as we have previously reported [here](#) and [here](#). In short, friends don't let friends hire without an arbitration agreement!

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