

\$5 million settlement in case of sexual assault by employee

Case revealed employer's failure to supervise workers with history of violations

One evening after work, 24-year-old Ally Johnson (not her real name) went to a nightclub with a few friends. Upon their arrival, the on-duty club manager greeted the group and sat them at a table. Shortly thereafter, the manager brought Ally a couple of complimentary shots which she drank along with some cocktails. Over the next hour, Ally and her friends became separated, and Ally ended up at the club alone. She began to feel disoriented and lightheaded and eventually blacked out. She woke up the next morning on a couch in a small, dark room in the back of the club. She remembered virtually nothing about the previous evening. She knew neither where she was nor how she got there. Even more frightening, two of the club managers were asleep on an adjacent couch. Ally quickly collected her belongings and hurried out to her car.

The remainder of that day was a blur. Ally's mind was foggy and her memory of the evening was very limited. Reaching out to her friends, she discovered that they had left the club earlier in the evening. Ally spent the next two days unable to eat or sleep. Although she was wearing her clothes when she woke up, she had a sickening feeling that something terrible had happened to her that evening. She tried to convince herself otherwise, but deep down suspected she had been sexually assaulted.

Trying to piece together the events, Ally called the club and eventually tracked down the manager's cell phone number. She sent a text asking what took place on the night in question. Although initially hesitant, the manager finally admitted that he did have sex with Ally after the club closed but that it was consensual. Armed with the text messages, Ally called the club's owner and told him that she had been assaulted by his employee. She asked for a copy of the surveillance footage from that evening. The club owner refused. Ally then reported the crime to law enforcement, providing a sworn statement and the text messages with the manager's admissions. Law enforcement did very little to investigate the incident, and the case went nowhere.

Frustrated with the lack of response, Ally contacted Searcy Denney attorney **Andrea Lewis** and requested help in learning what had occurred that evening and obtaining a measure of justice. Ms. Lewis, a former felony prosecutor, knew the request would be challenging due to lack of evidence and to Ally's inability to recall that night. She was confident, however, that she could find the answers.

Ms. Lewis filed suit against the club and, after countless court battles, obtained the critical surveillance video from that evening. It included footage of Ally slumped over and motionless in a chair for more than an hour after the club closed. No one attempted to help her. After other employees left for the evening, one of the two managers can be seen shaking her awake, holding onto her while she stumbled around trying to find an exit. The manager led her into a back room, which happened to be the only room in the club without security cameras.

Under further discovery, the attorney obtained the employment files for the two managers. Both had troubling histories of disciplinary reprimands and numerous company policy violations. One of the managers, nonetheless, continued into upper management positions despite a well documented history of sexual harassment complaints, reprimands for engaging in sexual relationships with numerous women he supervised, and write-ups for keeping the club open after-hours against club policy.



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Given the evidence, Ms. Lewis filed a motion to add the club's parent company to the lawsuit and to add a claim for punitive damages. Waiting for the court to rule on the motions, the parties met for mediation and Ms. Lewis, joined by Searcy Denney attorney **Chris Searcy**, obtained a settlement for Ally for over \$5 million.

Since resolving the case, Ally has tried to move on with her life. She is currently working toward her bachelor's degree in college. The emotional trauma caused by the assault remains, but the civil case offered a sense of closure. Ally is an incredibly strong, courageous, and hard-working young woman. Her resilience is inspiring, and she will undoubtedly go on to do great things in her life. ♦