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# Fire Captain Must Pay Firefighter \$2,500 In Harassment Suit

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**LOS ANGELES** -- A Los Angeles firefighter awarded \$6.2 million from the city for being harassed because of her race, gender and sexual orientation was granted another \$2,500 Thursday in punitive damages from her former supervisor.

## Video

Brenda Lee, 39, of Mission Hills, sued the fire department claiming she was forced to repeatedly perform strenuous exercises, that her locker was ransacked at least twice, and that she was later wrongly deemed unfit for duty by the department. Repeated complaints to supervisors only brought her laughs and derision, she said.

A Los Angeles Superior Court jury deliberated for less than a day Tuesday before awarding the 12-year LAFD veteran \$6.2 million.

After the verdict, Judge Michael L. Stern ordered the panel back to court Thursday to consider punitive damages against her former supervisor, Capt. Christopher Hare, because they found by clear and convincing evidence that he acted with malice toward her.

After hearing evidence of Hare using the n-word in Lee's presence and ignoring her complaints that other firefighters weren't flushing the toilet, it took jurors less than an hour to order him to pay her \$2,500 -- less than the \$25,000 her attorneys had requested and also less than the \$5,000 his attorney had offered.

After the hearing, Lee said the fire department won't change until it stops being its own watchdog.

"I still believe in the fire department and the service it does for people, but only if outside people come in and govern them," she said.

She said she never would have had to file a lawsuit if an objective system to address firefighter grievances was in place.

Lee, looking tired and at times close to crying, said she was surprised by the amount of the verdict. She also said she hopes to one day be a firefighter again, but doubts it will be with the LAFD. She said the city's finding that she is psychologically unfit has hampered her ability to find new work.

Trial testimony showed Lee was paid about \$136,000 as a firefighter, but now makes substantially less through a series of unrelated jobs and from a \$7,000 monthly loan she receives from a special fund to help LAFD firefighters that she paid into while working.

Lee's attorney, Genie Harrison, who called Hare to the stand today to testify about his net worth, presented evidence during trial that he used the n-word in Lee's presence, although never directly against her.

There was also evidence that he ignored pleas from her to tell other firefighters to flush the toilet in the women's locker room and instead laughed and asked Lee if she thought the waste in the bowl looked like her.

"Mr. Hare is a supervisor who knew better than to do all these things that he did over a course of time to Miss Lee," Harrison told jurors Thursday.

Hare, a 30-year LAFD veteran from Moorpark, testified his personal worth was about \$250,000 when all debts were considered. He said he and his wife, Tina, collectively made nearly \$300,000 in both 2004 and 2005.

Hare said he plans to retire in three years with an annual pension of more than 80 percent of his final year's salary, which he expects to be \$110,000.

W. Keith Wyatt, an attorney for the city and Hare, read to the jury Lee's trial testimony that Hare never used the n-word against her.

Wyatt said he and attorney Rupert A. Byrdsong had hoped for a different outcome in the case.

"Obviously, we're not happy," Wyatt said. He said the city will review its options, including an appeal.

Harrison, standing aside Lee in the hallway during a post-trial news conference, defended the amount of the award and said it was not a "windfall." She said more than half of it will compensate Lee for what she would have received had she not been "driven out of her job."

"Most of the people being critical didn't sit through this trial," Harrison said. "This jury heard all the evidence."

Lee and two other firefighters sued the city in July 2005, the same year she was removed from duty.

She maintained the majority of the discrimination occurred during her 2002-04 stint at Station 96 in Chatsworth, where Hare, who is white, was her supervisor.

Lee has been on unpaid leave for 2 1/2 years.

Defense attorneys contended Lee's problems as a firefighter stemmed from lack of responsibility and accountability on the job.

Lee's co-plaintiffs, whose cases were tried separately, both won jury awards. In April, a panel awarded Lewis "Steve" Bressler \$1.7 million, finding that the department retaliated against him for helping Lee report her discrimination allegations.

Firefighter Gary Mellinger, who also claimed he was retaliated against for assisting Lee, settled with the city for \$350,000 after a jury found in his favor.

Mellinger and Bressler are white and also worked at the Chatsworth station.

Allegations of racism within the department surfaced in January 2006, when City Controller Laura Chick and the city's Personnel Department released a pair of audits documenting inappropriate behaviors, despite efforts to clean up the agency a dozen years earlier.

The audits and the Pierce case prompted William Bamattre to step down as department chief at the beginning of this year.

On June 7, LAFD Capt. Frank Lima won \$3.75 million from the city after a jury found he was retaliated against for refusing to give preferential treatment to female firefighter recruits.

But on June 19, LAFD firefighter Jabari S. Jumaane, who is black, lost his discrimination case against the city. The verdict in his case was rendered the same day testimony in Lee's case began.

The award in Lee's case is double what the city offered another black firefighter who claims he suffered discrimination and

harassment when colleagues fed him dog food at a Westchester fire station. Mayor Antonio Villaraigosa vetoed the City Council's \$2.7 million draft settlement with Tennie Pierce, whose case is set for trial Sept. 24.

The attorneys defending the city in the Pierce case, Patricia A. Kinaga and Mira Hashmall, were in court observing the opening statements in Lee's case and also during the reading of the verdict. They also extensively interviewed the jury foreman in Lee's case in the hallway outside the courtroom.

- July 3, 2007: Jury Awards \$6.2M To Firefighter In Lawsuit Against City

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