

## **Leeds Morelli & Brown Obtains Record Verdict in Sexual Harassment Case**

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Employers that don't try to prevent sexual harassment in the workplace take heed. A jury in Queens, N.Y., this week awarded \$15 million to a nurse who endured several years of unwanted sex talk, propositions and groping by a doctor that escalated to two sexual assaults against her in 2001. The verdict represents the largest sexual harassment judgment ever awarded to an individual in a New York state court. The jury asked that the defendants, Flushing Hospital and Dr. Matthew Miller, each pay half of the damages to nurse Janet Bianco, 55.

A jury of four women and two men found that Flushing Hospital offered employees no sexual harassment training; instead, employees worked in an atmosphere where dirty jokes, unwanted advances and abusive language flourished and prevailed. Doctors and hospital administrators appeared to tolerate or turn a blind eye when confronted with Miller's blatant advances toward Bianco as well as other employees and sales representatives from drug companies.

"I have a message for anyone who is being sexually harassed: Make sure you speak out and complain – you don't have to allow yourself to be a victim," Bianco said in a statement after the verdict Monday. The nurse said she felt vindicated by the ruling but did not want to relive the painful experience by recounting details of the abuse. Bianco did tell the *New York Daily News* in an interview that Miller was bold in his abuse, which occurred openly in hallways, patient rooms and at the nurse's station. "He didn't try to hide it," she said. Neither Dr. Miller nor his attorneys commented after the verdict. Flushing Hospital officials maintain that they "acted properly" and plan to appeal the case.

Bianco's attorneys, Rick Ostrove and Tom Ricotta of Leeds Morelli & Brown, said the verdict should serve as a reminder to all employers that simply having a workplace sexual harassment policy is meaningless without training and enforcement. "This is a reminder to people in power," Ostrove said. "If you are in a high-ranking position, and you see something improper, you can't ignore it. If this climate of abuse exists, you can't allow it to fester. In this case, hospital supervisors watched my client being sexually harassed and did nothing about it. The jury found that unacceptable."

Bianco worked at Flushing from 1993 to 2005. She told the court that Miller's conduct toward her began with flirting and progressed over time to more aggressive sexual advances. On one occasion, he cornered and groped her in a room where two patients were sedated. Another time, a fellow doctor observed as Miller forcibly kissed her. Bianco complained to supervisors, but the situation did not change until she complained in writing that Dr. Miller had violently assaulted her on two occasions. The

doctor was fired four days after the complaint. A medical expert testified that Bianco suffers from post traumatic stress disorder, anxiety and depression as a result of the prolonged harassment.

Ostrove said that the jury seemed visibly moved as the trial concluded. He compared the hospital administration's non-action to the steroids crisis in baseball. "I told the jury, 'It's just like the scandal in baseball,' We're learning about many players using steroids for many years. The management says they didn't know about it until now, but we ask, 'How many years did they look the other way?'"

Jeffery K. Brown, a partner at Leeds Morelli & Brown, commented, "This landmark victory will serve as a beacon of hope for victims of harassment who are too frightened or ashamed to come forward, and a warning to employers that the days of the boys' club mentality in the workplace are over."