

## LAPD OFFICER WINS \$1.2-MILLION VERDICT IN RACIAL HARASSMENT SUIT

Written by BUSINESSINSURANCE.COM



Los Angeles police Chief Charlie Beck is under pressure to improve the way the department handles claims of harassment by officers. (Robyn Beck / AFP/Getty Images / February 7, 2013)

A jury Tuesday ordered the city of Los Angeles to pay \$1.2 million to a black police officer who alleged he was the butt of vulgar racial harassment by a white supervisor and other officers.

In his lawsuit, Earl Wright, who joined the department in 1989, accused the supervisor, Sgt. Peter Foster, and a handful of officers of carrying out racial pranks and making comments that left him “embarrassed and humiliated.”

In one instance, the lawsuit claimed, Wright asked Foster for permission to leave work early and Foster, who is white, responded, “Why? You gotta go pick watermelons?”

In another incident, Foster summoned Wright and his partner back in to the station from the field to celebrate Wright’s 20th year of service as an LAPD officer. With officers laughing and applauding, the lawsuit claimed,

Foster then presented Wright with a cake that was topped with a piece of fried chicken and a slice of watermelon.

Wright said in court documents that supervisors throughout the Central Division station where he and Foster worked, including the captain who ran the division at the time, were aware of the crass behavior and did not stop it.

“They didn’t do anything to protect Earl,” said his attorney, Greg Smith.

During the four-day trial, however, lawyers for the city tried to portray Wright not as a victim, but as a willing participant.

For example, Officer Randall McCain, who is black, testified that it was he, not Foster, who bought and presented the cake to Wright.

In an interview, McCain reiterated what he said at the trial -- that Wright laughed when he saw the cake, cut himself a slice, and ate the chicken topping.

For further reading on this article visit

<http://articles.latimes.com/2013/mar/26/local/la-me-ln-lapd-verdict-20130326>

### Attorney Spotlight

Timothy Day



Timothy Day is a senior trial attorney with the law firm of Homan & Stone. His main focus is on civil trial work and litigation. He has trial experience handling products liability, premises liability, business and contract disputes, automobile defense, family law, real estate law, construction defect, and personal injury. He has significant experience handling complex multi-party litigation for insurance carriers and corporate entities involving brain injury, wrongful death and paraplegia.

### EVENTS

America’s Claims Event 2013



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Where : Austin Texas

The 17th Annual America’s Claims Event is the ONLY industry event where senior managers, practitioners & experts involved with claims operations can get the insight they need to implement effective and tactical strategies for their claims handling process.

## ‘Stranger Liability’ For California Wholesalers Settled, but Not Done

A few wholesalers groups are breathing a brief sigh of relief following a recent Los Angeles Superior Court decision in a lawsuit involving “stranger liability.”

The issue was brought to light in *Hull & Co. v. Superior Court*, a case involving duty of care to a third party and an appeal to the California Supreme Court of a ruling that imposed a tort duty on wholesale insurance brokers not only to their retail broker customers but also to the insured, an entity with whom the wholesale broker has no contact. The case involved a shooting at a Dave and Busters bar and entertainment establishment in Southern California. The wholesale broker, Hull & Co., was sued by a third party claimant for professional negligence. The plaintiff, Jason Gonzaga, was shot at the bar, and initially sued the bar and its security guard company, claiming they should have prevented the shooting.

After settling claims the plaintiff brought a suit against the security guard company’s insurer, claiming that the insurer had committed bad faith by denying coverage based on an assault and battery exclusion. The trial court ruled the exclusion was enforceable and granted summary judgment for the insurer.

The plaintiff then sued the wholesale broker arguing that the wholesale broker owed a duty of care to the security guard company to ensure the insurance policy covered the suit against the guard company. It was claimed the wholesale broker breached its duty of care to the security guard company and the plaintiff. The trial court held that there was a triable issue of fact as to duty of care.

For further reading on this article visit <http://www.insurancejournal.com/news-west/2013/04/03/287156.htm>

