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**Date:** 02-22-1999

**Case Style:** Cathy Jean Coates, et al. v. Wal-Mart Stores, Inc., et al.

**Case Number:** 24717

**Judge:** Unknown

**Court:** District Court, Sante Fe County, New Mexico

**Plaintiff's Attorney:** Stephen E. Tinkler, Merit Bennett, and Michelle Masiowski of Tinkler and Bennett, Santa Fe, New Mexico

**Defendant's Attorney:** Mark D. Jarmie, Steve Scholl, and Ned Fuller of Sharp, Jarmie, and Scholl, Albuquerque, New Mexico.

**Description:** Sexual Harassment - Intentional Infliction of Emotional Distress - Negligent Supervision - This case involves the alleged sexual harassment of two employees, Coates and Duran, at Sam's Club. Sam's Club is a division of Wal-Mart. Coates and Duran claim that Alire, a supervisor at Wal-Mart, physically and verbally, sexually harassed them on several occasions between 1993 and 1994. They also claim that Wal-Mart knew of this sexual harassment, yet failed to protect them or reprimand Alire. Between the spring of 1993 and 1994, Coates and Duran reported several incidents of sexual harassment to management. Several other women who claimed Alire had also sexually harassed them, or who had witnessed Alire harassing Coates and Duran, also reported several incidents to management. Although these incidents were reported to management, the plaintiffs claim that nothing was done to remedy the situation. Alire was eventually fired from Wal-Mart but only after he was incarcerated for the kidnapping, and rape of his girlfriend. The plaintiffs claim intentional infliction of emotional distress, and negligent supervision. The plaintiffs also filed an individual suit against Alire that was later settled. The district court entered compensatory and punitive damages for the plaintiffs. The jury found in favor of Duran and Coates on both the negligent supervision and intentional infliction of emotional distress claims.

**Outcome:** The jury found in favor of Duran and Coates on both the negligent supervision and intentional infliction of emotional distress claims. Duran was awarded \$84,000, and Coates \$48,000 in compensatory damages for negligent supervision; Duran was awarded \$30,000 and Coates \$15,000 for intentional infliction of emotional distress; and Duran received \$1,200,000 and Coates \$555,000 in punitive damages. The court also awarded ten percent prejudgment interest on the compensatory damages but not on the punitive damages.

**Plaintiff's Experts:** Unknown

**Defendant's Experts:** None

**Comments:** The judgment was affirmed by the Supreme Court of New Mexico. See: 976 P.2d 999 (N.M. 1999). The date above reflects the date of the appellate decision and not the trial date. Reported by EMDH.

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