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## Fry's Electronics, Inc. Pays \$2.4 Million Total in Settlement

... and Court-Ordered Sanctions in Sexual Harassment and Retaliation Cases Brought by The Blankenship Law Firm and the Federal Government's Equal Employment Opportunity Commission.

Former Employees to Receive What May Be A Record Settlement of 2.3 million in addition to Electronics Retailer Fry's paying \$100,000 in Court-ordered Sanctions.

/EINPresswire.com/ Seattle, Wa - August 30, 2012 -- Former Seattle area Fry's employees, Mr. Ka Lam and Ms. America Rios, settled their sexual harassment and retaliation case against retailer Fry's Electronics which has over 14,000 employees throughout the U.S. and according to Forbes had estimated revenues of \$2 billion in 2011.

This appears to be one of the largest EEOC cases reported in the United States—and the largest reported per individual employee—in the Pacific Northwest, according to the U.S. Equal Employment Opportunity Commission (EEOC) filings.

Lead counsel Scott C. G. Blankenship and associate attorney Rick Goldsworthy of The Blankenship Law Firm represented the individual employees, negotiated the settlement, and prosecuted the case with EEOC's Senior Trial Attorney Molly Powell, Supervisory Attorney John Stanley, and EEOC Regional Attorney William Tamayo.

Settlement occurred shortly after The Blankenship Law Firm completed trial in arbitration before The Honorable Terry Lukens (Ret.) but prior to his ruling. Federal District Judge, The Honorable Robert S. Lasnik had previously sanctioned Fry's and ordered it to pay a total of \$100,000, after he concluded Fry's had "deliberately engaged in deceptive [litigation] practices" that were "unfair, unwarranted, unprincipled, and unacceptable."

The Blankenship Law Firm and the EEOC requested sanctions after they learned that computer hard drives and other evidence directly related to their claims had been destroyed. Later they also learned that Fry's failed to disclose prior instances of sexual harassment at the Renton, Washington Fry's store, including evidence that the alleged harasser and the Store Manager allowed to investigate it had been accused of sexually harassing other female employees.



Ms. Rios, a 20-year-old sales associate was repeatedly sexually harassed by the Assistant Store Manager and had endured months of sexually charged text messages from him despite her requests for him to stop. Ms. Rios reported the harassment to her immediate supervisor, Ka Lam. At the time, Mr. Lam was one of the highest performing employees at the Fry's Renton store. He had helped open the Renton, Washington store and had received multiple raises and promotions.

After conducting his own investigation confirming the harassment, Mr. Lam put at risk his highly successful career, which included being nationally ranked in sales and being selected multiple times to open new Fry's stores. He reported the sexual harassment of Ms. Rios to directors, and officers at Fry's headquarters in San Jose, and again to local management in Renton. Despite its size and significant financial resources, Fry's has no human resources department. Mr. Lam felt that he had no alternative but to stand up and report the harassment even if the whistleblowing could impact his job. "I feared retaliation from the local managers, but everything in me said that I could not live with myself if I did not speak up. Whatever the consequences, it had to stop. I had to report it."

Despite Mr. Lam's complaints reaching the highest echelons within Fry's, the company assigned the Store Manager, a close personal friend of the alleged harasser, to investigate. The Store Manager ultimately conducted an intentionally biased and inadequate sexual harassment investigation. Fry's also failed to follow its own procedures and did not even take written statements from either Mr. Lam or Ms. Rios. Although many of the allegations involved sexually offensive text messages sent by the Assistant Store Manager, no effort was made to preserve them despite a supposed investigation.

"When employees like Mr. Lam and Ms. Rios selflessly stand against discrimination and harassment in the workplace, they deserve the protection provided by the law," said Seattle attorney Scott Blankenship. "The laws of the United States and of Washington strictly prohibit retaliation, and protect employees who courageously oppose it. Unfortunately, Fry's not only failed to protect Mr. Lam and Ms. Rios, Fry's targeted them with swift retaliation."

Within two weeks of Mr. Lam's complaints, Fry's falsely accused him of baseless misconduct without proof, and summarily fired him. "I felt very sad, alone and frightened when Ka lost his job for standing up for me and complaining to corporate headquarters. I knew then that there was no one I could trust," said Rios. Fry's fired Rios (also a top performer with a history of promotions) within weeks of responding to a legal claim filed by Mr. Lam with the EEOC. Additionally, Fry's allowed the Assistant Store Manager accused of harassment to sign the termination paperwork for Ms. Rios.

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Title VII of the Civil Rights Act, and the broader protections of the Washington Law Against Discrimination.

The Blankenship Law Firm, P.S., is an AV-rated law firm located in downtown Seattle with lawyers licensed in Washington, Oregon, and Alaska. The firm practices in state and federal trial and appellate courts with an emphasis in employment law and complex civil litigation, including representing employees in all phases of negotiation and litigation.

More information is available online at: [www.blankenshiplawfirm.com](http://www.blankenshiplawfirm.com).

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