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Appeals court reinstates harassment suit

By **Mike Carter**

Seattle Times staff reporter

A federal appeals court has reinstated a discrimination lawsuit by a former Windermere Relocation worker who says she was fired after alleging she was raped by an executive from Starbucks, which her company was courting as a new client.

The woman's attorney says the unanimous decision by a three-judge panel from the 9th Circuit Court of Appeals breaks new ground in sexual-harassment law, potentially holding employers liable if a worker reports harassment by a client and the employer doesn't do anything about it.

"This court has ventured into uncharted territory with this ruling in defining ... how a situation can lead to a hostile work environment," attorney Jennifer Moore said.

The woman claims that after the alleged attack she talked to three officials at Seattle's Windermere Relocation, including company President Gayle Glew, who reacted by cutting her salary by a third and then firing her after she refused to accept the pay cut. Another official, a designated harassment-reporting officer, told her it would be "best that (she) put it behind her," according to the suit.

That official apparently felt that, because the alleged attack took place outside the office and by someone other than a co-worker, Windermere Relocation wasn't responsible.

Glew later said the woman — who had been told "to do whatever it takes to get this account" — wasn't being productive enough. The 9th Circuit judges, however, noted that data indicated the woman "had the best transaction closure record of all corporate managers by a large margin."

Windermere Relocations is an independently owned franchise of Windermere Real Estate, said Michelle Berry, a Windermere Real Estate spokeswoman. The company provides services for employees and executives relocating to the area.

Windermere Relocation attorney Patrick Rothwell said the company had been sympathetic and told her to report the incident to police. He said the woman did not ask the company to investigate the allegations, and she was not exposed to the client again.

The woman, who said other officials had discouraged her from telling Glew about the incident, said the company president "did not want to hear anything about it" and referred her to the company's lawyers. Court documents allege that later, after cutting her pay, Glew suggested she take time off "because he did not want any 'clouds in the office.' "

The alleged rape was never reported to police, and no criminal charges were ever filed. Moore said the woman had "personal reasons" for not doing so and declined to comment further.

The man, who now works in Los Angeles, declined to talk.

According to court documents, Windermere Relocation had been courting Starbucks as a major corporate account, and the woman was assigned to the job in 1997.

She had provided some contract work for a Starbucks human-resources official when the man asked her to dinner, according to the court records. She claims she became violently ill and passed out after a "couple of drinks," and awoke to find the man raping her in his car. He allegedly took her to his apartment and raped her again, then returned her to her car.

After she was dismissed, the woman filed a civil-rights lawsuit in U.S. District Court, which was dismissed in May 1999 by U.S. District Judge Robert Lasnik.

In reinstating the lawsuit, the appeals court ruled that the woman's workplace extended beyond the office because, as part of her job, she was required to wine and dine potential clients. Her rape and the company's apathy toward it created a hostile work environment. Indeed, when the company failed to take remedial action, and then retaliated against her, "the harassment was arguably reinforced by (her) employer."

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