

\$2 million harrassment verdict against Petaluma card room

By **LORI A. CARTER THE PRESS DEMOCRAT** on August 4, 2010, 7:04 PM

A Sonoma County jury has awarded more than \$2 million to a former dealer at a Petaluma card room after determining she was sexually harassed by her supervisor and retaliated against when she reported the abuse.

Shannen De La Cruz was a minimum-wage card dealer at The 101 Casino along Highway 101 in north Petaluma from September 2004 until she was fired in July 2006.

A 10-woman, two-man jury unanimously agreed last week to award De La Cruz nearly \$516,000 in past and future damages for the harassment and retaliation. On Monday, the jury returned an award of \$1.5 million in punitive damages against the company, Cal-Pac Sonoma and Cal-Pac Group, which are among several gaming interests held by John Park of Nevada.

"When I first started, I looked forward to going to work every day ... Everything seemed to be looking up and going forward in my life — until the sexual harassment started," De La Cruz, 43, said Wednesday.

"Little did I know that it was a whole cesspool of sexual harassment there. I didn't know what I was walking into."

Unwanted sexual comments from De La Cruz's supervisor, Bill Bundesen, began a few months after she started and continued after she reported the offensive behavior to the human resources staff, said one of her lawyers, Stephen Murphy of San Francisco.

He said Bundesen then began disciplining her for minor or fabricated problems and fired her after they found out she was exploring legal action.

Bundesen denied saying or doing anything inappropriate, Murphy said. A Los Angeles attorney for the defendants didn't return a call Wednesday seeking comment.

De La Cruz said that a few months after she started, Bundesen gave her a candle as a gift and told her to think of him while she took a candlelight bath. Later he asked her if she had done it.

He repeatedly made double entendres about gambling chip display racks, saying things like, "You have a nice rack. You don't need to change your rack," Murphy said.

He also brought in a promotional pen for the erectile dysfunction drug Levitra and enjoyed showing female employees how the pen grew lengthwise, he said.

De La Cruz said that once after she complained about Bundesen, the club general manager, Randy Yaple, put his arm around her lower waist.

Murphy and his co-counsel, Candice Clipner of Santa Rosa, introduced the testimony of four female employees who said they'd also been sexually harassed. One woman, the human resources chief that De La Cruz reported

the behavior to, has settled her own suit against the company. The terms of that suit are confidential.

After the verdict, Murphy said jurors told him they found the behavior egregious and offensive.

“The message is pretty clear, that employers cannot ignore the law or their own policies in terms of protecting employees from sexual harassment,” he said.

The punitive damages were based on The 101 Casino's financial picture, Murphy said. Cal-Pac Sonoma, a subsidiary of Cal-Pac Group, had revenues of \$5 million last year, he said. He said the subsidiary's net worth at the end of June was about \$3 million.

De La Cruz said she lost sleep over the incidents, lost her appetite and suffered disruption in her home life because of the stress.

“Sexual harassment is serious and it affects people's lives. If employers don't take appropriate action, they will be punished,” she said.

Murphy declined to be specific on the amount he and Clipner will receive of the award, but said attorneys in similar cases typically receive between 30 and 40 percent. Clipner worked for about three years on the case without payment, he said.

Murphy is no stranger to multi-million-dollar jury verdicts in Sonoma County. In 2006, he won a \$6.5 million judgment against Sonoma County because it failed to accommodate a longtime employee's agoraphobia. A judge later reduced the award to \$2.5 million.

Attorneys for The 101 Casino could seek a reduction in the award in this case or appeal it entirely. Bundesen remains at the card room, Murphy said, and Yaple works at another site owned by Park.

De La Cruz, a married mother who still lives in Sonoma County, said she will use the award to fund her children's college educations and keep a roof over their heads.

She will continue working at River Rock Casino, where she has dealt cards since 2007: “Even if I had all the money in the world, I would want to work. It gives you self-worth, a purpose in life. But it will be nice to take time off with the kids and not worry about missing (pay).”

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