



## EMPLOYMENT

TINARI 99653

## Retaliation, Discrimination - Sexual Preference

## Verizon Employee Alleged Sexual Harassment

**VERDICT(P)** \$1,479,320

**CASE** Paul Costello v. Bell Atlantic-New Jersey, Inc., Bell-Atlantic Network Services, Inc., Stanley Klepczyk, Frank Smith, Tom Petrasek, Bob Stevens, Les Smyth, Patrick O'Donnell, Tom Riley, Mark Kernoodle, John (Eamonn) Hannon, Frank Ferrante, No. HUD-L-0481-99

**COURT JUDGE** Hudson County Superior Court, NJ  
Martin Greenberg

**DATE** 01/10/2003

**PLAINTIFF ATTORNEY(S)** Jacqueline Bittner, Law Firm of Jacqueline Bittner, Perth Amboy, NJ (Paul Costello)  
Frederic Gross, Law Firm of Frederic Gross, Mount Ephraim, NJ (Paul Costello)  
Alan Krumholz, Krumholz & Dillon, Jersey City, NJ (Paul Costello)  
Mitchell Perlmutter, Law Offices of Allen Zavodnick, Jersey City, NJ (Paul Costello)

**DEFENSE ATTORNEY(S)** David Reilly, Carpenter Bennett & Morrissey, Newark, NJ (Bell-Atlantic Network Services Inc, Bob Stevens, Frank Smith, Stanley Klepczyk)  
Francis Dee, Carpenter, Bennett & Morrissey, Newark, NJ (Bell-Atlantic Network Services Inc, Bob Stevens, Frank Smith, Stanley Klepczyk)  
Sheldon Pincus, Bucceri & Pincus, Clifton, NJ (John (Eamonn) Hannon, Mark Kernoodle, Patrick O'Donnell)

**FACTS & ALLEGATIONS** Plaintiff Paul Costello, now 34, was an installer/repairman for Bell-Atlantic New Jersey who worked out of a Jersey City garage. For much of his three-and-a-half years on the job, he alleged that co-workers and supervisors taunted, tormented and harassed him about being gay, although he is not, said one of his lawyers, Fredric Gross. The harassment took the form of comments, as well as graffiti and drawings on bathroom walls and the insides of pedestal boxes, the free-standing outdoor metal boxes that house telephone wiring. Comments were along the lines of "Costello is a faggot," "Cuntstello sux" and "Kill Costello," according to Gross and co-counsel Jacqueline Bittner. The lawyers said Costello complained to his first-line supervisors, to no avail. The harassment and retaliation culminated with Costello's termination over alleged performance problems in November 1998, according to

Gross and Bittner. Costello sued Bell Atlantic-New Jersey Inc. (now known as Verizon New Jersey Inc.) and Bell-Atlantic Network Services, Inc. (now known as Verizon Network Services Inc.) as well as some supervisors and co-workers: Stanley Klepczyk, Frank Smith, Tom Petrasek, Bob Stevens, Les Smyth, Patrick O'Donnell, Tom Riley, Mark Kernoodle, John (Eamonn) Hannon, Frank Ferrante alleging sexual discrimination and retaliation. Defendant Tom Petrasek was voluntarily dismissed by the plaintiff.

Francis Dee who represented Verizon and three supervisors, could not be reached for comment. Sheldon Pincus who represented three co-workers, declined to comment. According to Gross, the defense contended that the supervisors were unaware of the pedestal box graffiti, that Costello brought his complaints to the wrong people and that he did not at the time seem terribly concerned about the problem.

**INJURIES/DAMAGES** Costello claimed that he was harassed and taunted at work about being gay which culminated in his being terminated over alleged performance problems. Costello eventually got a similar job installing phones for another company but for less pay. He has been diagnosed with post-traumatic stress disorder resulting from the harassment.

**VERDICT INFORMATION** The jury returned with a verdict of joint and several liability against Verizon, supervisors Klepczyk, Smith and Stevens, and co-workers Hannon, Kernoodle, and O'Donnell. No individual liability was found with respect to Smyth, Fernate and Riley. With legal fees, the total judgment, not including the \$142,581 prejudgment interest, is \$2.2 million. The legal fees awarded were \$346,619 to Gross, \$255,527 to Bittner, \$115,350 to Mitchell Perlmutter and \$15,524 to Alan Krumholz. Before Gross and Bittner became co-counsel in the case, Costello was represented by Krumholz, followed by Mitchell Perlmutter.

**PAUL COSTELLO** \$1,000,000 Personal Injury: Punitive Exemplary Damages  
\$339,320 Personal Injury: economic loss  
\$140,000 Personal Injury: emotional distress

**PLAINTIFF EXPERT(S)** Peter Crane M.D., psychology/counseling, Paramus, NJ (Jacqueline Bittner, Frederic Gross)  
Frank Tinari Ph.D., economics, South Orange, NJ (Jacqueline Bittner, Frederic Gross)

**DEFENSE EXPERT(S)** None reported

**INSURERS** Chubb for Verizon