

Time Warner seeking new trial in workplace injury lawsuit

By City News Service

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LOS ANGELES >> Time Warner wants a new trial of a lawsuit brought by one of its former warehouse workers, who won a \$2.7 million judgment after a jury found that the cable company failed to accommodate her for an on-the-job injury.

Time Warner lawyers allege the June 12 verdict in favor of plaintiff Patricia Hancock of Compton was excessive in light of the fact the Los Angeles Superior Court jury rejected her causes of action for wrongful termination, retaliation, disability discrimination and defamation.

The defense lawyers filed a simultaneous motion last Wednesday asking that a judgment be entered in Time Warner's favor despite the verdict, arguing there was insufficient evidence to support her claims for failure to accommodate, failure to engage in the interactive process and the award of punitive damages.

The jury awarded Hancock \$692,545 in compensatory damages and just over \$2 million in punitive damages.

According to her lawsuit, Hancock was hired by Time Warner in 2003 to work in its Bellflower warehouse. Part of her job was to pull pallets of cable boxes weighing hundreds of pounds, her court papers state.

Hancock, then 59, says she suffered a neck injury in August 2011 and reported it to her supervisor, who responded "OK" without looking up from his computer. She remained at work through the end of her shift, then went home and took a Hydrocodone pill to relieve her discomfort, according to her court papers, which say she was prescribed the painkiller after a prior surgery and had some of the pills left over.

Hancock said she was unable to pick up her granddaughter from after-school activities, cook for herself or wash dishes that day because of her injury.

Hancock called her supervisor the day after she was hurt to request leave time, but he told her to come in so she could be drug-tested, according to Hancock's court papers. After receiving the results, the supervisor told the Time Warner human resources manager that the plaintiff tested positive for illegal drugs, violating the company's drug-free workplace policy, according to her lawsuit.

Hancock was fired less than two weeks after she reported her disability, her court papers state.

A hearing on the defense motions is scheduled July 16 before Judge Rafael Ongkeko.