



WEEKLY SUMMARIES OF COLORADO JURY VERDICTS including verdicts from the district courts in Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, Mesa, Pueblo and Weld Counties and the U.S. District Court for the District of Colorado.

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Equal Employment Opportunity Commission v. CollegeAmerica Denver, Inc. n/k/a Center for Excellence in Higher Education Inc. d/b/a College America

Case No: 14 CV 1232-LTB-MJW

Judge: Lewis T. Babcock

Trial Dates: June 20 – 22, 2016

Plaintiff’s Attorneys: Karl Tetzlaff, US Equal Employment Opportunity Commission – Denver, and William R. Hobson, US Equal Employment Opportunity Commission, Phoenix, Arizona

Defendants’ Attorney: Raymond W. Martin (Wheeler Trigg O’Donnell, LLP)

Type of Claim: Employment: retaliation. On July 16, 2012, Debbi Potts resigned as the Campus Director of the Cheyenne, Wyoming campus of CollegeAmerica. On September 1, 2012, CollegeAmerica and Ms. Potts entered into an Agreement to resolve certain disputes that had arisen between them. That Agreement included a provision that Ms. Potts would stop disparaging the College. When it subsequently learned that Ms. Potts had continued to disparage the College, on January 11, 2013, the College sent Ms. Potts a letter informing her

that it had learned that she had breached the non-disparagement Agreement and requesting that she return the payment she had received for execution of the Agreement. The letter informed Ms. Potts that if she did not return the payment within 30 days, the College would initiate legal proceedings to ask a court to determine if she had breached the Agreement and was obligated to return the payment. Within a few days of receiving the January 11 letter, Ms. Potts filed a Charge of Discrimination with the EEOC alleging that the College had discriminated against her on the basis of her age. When, as promised, the College filed the lawsuit against Ms. Potts seeking return of the payment in Larimer County Court, Ms. Potts filed an additional Charge with the EEOC claiming that the filing of the Larimer County lawsuit was in retaliation for the fact that she had filed her original Charge of Discrimination. On March 25, 2013, College America filed its lawsuit in Larimer County District Court, seven days after it received notice of a perfected charge by the EEOC on March 18, 2013. On April 30, 2014, the EEOC filed a lawsuit in federal court in Denver asserting three claims for relief against the College, including a claim for alleged retaliation based on the filing of the Larimer County lawsuit. The District Court dismissed two of the EEOC’s claims prior to trial. The only claim that remained for trial was the claim for alleged retaliation.

Damages Alleged: Broad injunctive and declaratory relief, and the EEOC asked that Ms. Potts be reimbursed for the attorneys’ fees she had incurred in connection with the Larimer County lawsuit.

Final Demand Before Trial: The EEOC requested that CollegeAmerica enter into a Consent Decree agreeing to the entry of declaratory and injunctive relief, according to the defendant’s attorney.

Final Offer Before Trial: None.

Plaintiff’s Expert Witness: None

Defendants’ Expert Witness: None

Verdict: For the defendants and against the plaintiff.

Note: The defendant is seeking costs.