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HEADLINE: Tropicana employee wins 454,000 on retaliation claim

BODY:

A New Jersey jury said a warehouse employee had not been harassed at work to the point that he deserved damages. However, the jury said he did deserve 454,000 - because he was fired in retaliation for suing the company.

The employee contended he was harassed by other male employees at the Tropicana Products Inc. warehouse who simulated sexual acts, insinuated he was gay, and blew him kisses. He also claimed one employee exposed himself.

The employee sued alleging sexual harassment and retaliation in violation of the New Jersey Law Against Discrimination. **Kluczyk** v. Tropicana Products Inc., No. HUD-L-9698-98 (N.J. Super. Ct. 02/15/02).

The employee alleged the harassment worsened when he reported it. In addition, he contended Tropicana terminated his employment after he filed suit.

Tropicana denied the allegations and contended the employee was terminated based on company policy, after discovering during the deposition that the employee had entered false information on his employment application about his previous experience and graduation from truck driving school.

The jury did not find the harassment pervasive enough to award the employee damages but did find Tropicana had terminated him in retaliation. The employee was awarded 229,315 in compensatory damages and 225,000 in punitive damages.

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