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Settlement Approved in Paula Deen Harassment Lawsuit

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After dismissing part of a [complaint](#) filed by a white worker against celebrity chef Paula Deen and her brother Bubba Hiers, alleging racial discrimination based on their treatment of black workers, a federal judge approved a settlement of the rest of the worker's claims on Aug. 26.

Despite the end of the case, PR experts say Deen's career is over.

PR Problems

Earlier this year, a deposition in the lawsuit came to light in which Deen admitted to using racial slurs around employees, including the n-word. She was unapologetic at first, but once it became clear that public opinion was on the main turning against her, she issued an overwrought [apology](#) and then [broke down in public](#) on a news show in June.

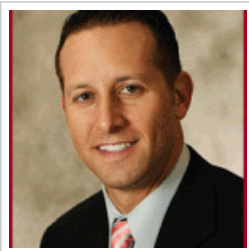
The judge threw out Lisa Jackson's claim that Deen and Hiers racially discriminated against workers, finding that she lacked standing to sue for the poor treatment of black employees and the stressful environment that created at Uncle Bubba's Seafood and Oyster House.

Jackson was a manager of the restaurant, where Deen is co-owner and Bubba runs the show.

PR experts have reportedly said after the race discrimination claim was dismissed that the damage to Deen's reputation had already been done. The race-based claim "wasn't dropped because it wasn't true," said Howard Bragman of [Reputation.com](#). "[I]t was dropped because of the race of the person in the claim."

Racial Harmony Not Protected

While there is some legal precedent for a worker of a different race to bring discrimination charges based on the treatment of other workers, it is not well-established.



The U.S. Supreme Court has said in passing that that a white plaintiff could sue a landlord who allegedly discriminated against non-whites "because the exclusion of minorities from the apartment complex resulted in the loss of benefits from 'interracial associations,'" notes [Gregory R. Fidlon](#), an employment lawyer in Atlanta.

"Relying on this language, several Circuit Courts of Appeal have held that a non-minority plaintiff had standing to sue his/her employer when the employer's discrimination resulted in the lost benefits of associating with persons of other racial groups," he adds.

Greg Fidlon

But here, the court held that in an employment discrimination claim, the plaintiff must be within the "zone of interest" that the law was intended to protect, Fidlon explains. Jackson was found to be "at best an 'accidental victim' of the alleged racial discrimination," he says.

With only one exception, Hiers's racial slurs weren't directed at her in order to harass her; she claimed instead that Hiers and Deen deprived her of "harmonious working relationships" with her African-American subordinates. "The Court concluded that those are not interests that the federal anti-discrimination laws sought to protect," Fidlon says.

Harassment Claim Settled

Jackson's harassment claim still stood, and Fidlon says it was a strong one, along with her claims for negligent infliction of emotional distress, negligent retention, assault and battery. If the claim had been successful, the defendants could have been forced to pay damages for Jackson's lost wages, emotional distress, punitive damages and attorneys' fees, he observes.

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If Jackson had been successful, Deen could have been held individually liable as the corporate owner of Bubba's restaurant. While litigation is always difficult to predict, one thing was for sure: Deen certainly did not want this case to get all the way to a jury.

"If one or more claims survive summary judgment, the plaintiff will have the opportunity to present her case to a jury," Fidlton says. "At that point, it may be in the defendants' best interests to settle, as there is always tremendous risk in having a jury determine the outcome, and a trial will likely bring additional negative publicity to Ms. Deen and her restaurant empire."

Seems like Deen got the message. Details of the settlement [announced on Aug. 26](#) were not released, but the dismissal of the suit was "with prejudice," meaning Jackson cannot sue Deen again for the same thing.


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