

FedEx drivers win \$61M in lawsuit

FedEx loses harassment suit

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By William Brand

OAKLAND — A Superior Court jury has awarded two Lebanese-American FedEx Ground drivers from Pleasanton a stunning \$61 million damages for years of racial harassment they said they endured at the hands of a FedEx supervisor. The jury reached its decision late Friday in Oakland at the end of a seven-week trial.

The drivers, Edgar Rizkallah, 44, and Kamil Issa, 36, said they had been victims of two years of racial slurs and discrimination from FedEx terminal manager Stacey Shoun.

"There was testimony at the trial (that) the drivers were taunted by the manager, called 'Arabs,' 'camel jockeys,' 'terrorist bombers' and 'Hezbollah,' " said the plaintiffs' attorney, Christopher Dolan of San Francisco.

What made the taunts particularly onerous, Dolan said, was that both came to the United States in the early 1980s, fleeing terrorism and civil war in their native Lebanon.

"One plaintiff's father was killed by a terrorist bomb in Lebanon," he said.

FedEx Ground spokesman Maury Lane called the jury award extremely excessive.

"FedEx personnel policies strongly prohibit harassment and discrimination based on race, color, religion, national origin, sexual orientation, gender, age or disability," Lane said. "None of this is tolerated."

Notice of appeal was filed by FedEx attorneys Friday afternoon.

"We believe our appeal will be looked upon favorably in the appellate process," he said.

It's hard to fathom a verdict of this size, he said.

Dolan said the jury initially awarded Rizkallah and Issa \$11 million on May 24; \$10 million was assessed for emotional distress against FedEx Ground and \$1 million was awarded from Shoun, their FedEx supervisor.

The jury found the company and Shoun had created a hostile work environment on the basis of race and national origin, Dolan said.

The jury added the \$50 million punitive damages, \$25 million to each plaintiff, Friday.

The plaintiffs asked the jury to limit punitive damages against the supervisor to teach him a lesson about compassion, Dolan said.

Shoun was not be reached for comment.

The events claimed in the lawsuit happened prior to the 9/11 terrorist attacks, Dolan said. They started in 1999 and continued through 2000, until the supervisor was transferred to another post. The lawsuit was filed in May 2001, nearly four months before the 9/11 attacks. FedEx spokesman Lane said the two drivers, who are independent contractors, continue to work for FedEx ground, as does the supervisor. One of the drivers has worked for FedEx since 1985, the other since 1990, Dolan said.

The case was heard by Superior Court Judge Steven Dombrick.