



HDBD Attorneys Prevail in Defense of Restaurant in Discrimination Case

June 22, 2011 (Nueces County, TX). Albert Holl and Rick Waterhouse, attorneys in HDBD's Corpus Christi office, won a unanimous jury verdict in defense of Texas Roadhouse, a publicly traded restaurant chain that operates 345 restaurants in 46 states.

A former employee accused the restaurant company of discrimination based on his religious beliefs. He claimed the management of the Corpus Christi, Texas Roadhouse had forced him to work on Sundays in violation of his religious beliefs. He sued for reinstatement, back pay, mental anguish damages and attorney's fees.

"Texas Roadhouse has been committed to the well-being of their employees since opening their doors in 1993. They have a culture that values and appreciates each member of their team, and it was clear to us that this former employee had no real basis for his claims of discrimination," Mr. Holl said.

The former employee claimed he had put the Texas Roadhouse on notice of his beliefs at the time of hire and that the restaurant agreed to accommodate him by never scheduling him to work on Sundays. Texas Roadhouse representatives disputed this statement, and acknowledged that while this former employee was routinely scheduled off on Sundays and Mondays, Texas Roadhouse required all employees to work on Mother's Day and Father's Day, two of the restaurant's highest-volume days of the year. The plaintiff claimed that after agreeing to work three previous holiday Sundays out of fear of losing his job, he refused to come to work for a scheduled shift on Father's Day of 2008 and was fired for it. Texas Roadhouse countered that on all of the holidays at issue, the plaintiff agreed to come to work and was even permitted to come in later than scheduled to attend services at his church.

The Court instructed the jury to consider three questions before getting to damages: 1) Was the plaintiff terminated? 2) If so, was religion a motivating factor in the decision to fire him? 3) Even if his religious beliefs were a motivating factor, was there an undue hardship defense that would relieve the defendant from being required to accommodate those religious beliefs?

During the course of their investigation, Mr. Holl and Mr. Waterhouse were able to uncover admissible information concerning the plaintiff's spotty employment history, and discovered several items of false and misleading information he had reported to the Equal Employment Opportunity Commission (EEOC) in connection with his discrimination case against Texas Roadhouse. This information was critical in undermining the plaintiff's credibility during the trial. The defense called Texas Roadhouse management and several employees to rebut the plaintiff's claims and was able to introduce key documents supporting the defense position that the plaintiff had abandoned his job and was not terminated.

Following a three-day trial, the jury returned a complete defense verdict on June 22, 2011.