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## EXHIBIT A

### Sample Mediation Statement Sanders v. DigiCom, Meredith Johnson

March 27, 2004

#### VIA OVERNIGHT MAIL

Honorable Janet Murphy  
Magnuson Mediation Center

Re: Thomas Sanders v. DigiCom, Meredith Johnson

Dear Judge Murphy:

This Mediation Position Paper is being submitted with the understanding that it will not be distributed to anyone other than the Mediator to facilitate the discussion at the Mediation Session.

This firm represents the Plaintiff, Thomas Sanders (hereinafter "Plaintiff" or "Mr. Sanders"), in the above-captioned matter. Please accept this Mediation Position Paper on behalf of Mr. Sanders for your use in mediating this case.

### I. Preliminary Statement

Mr. Sanders filed this discrimination lawsuit under Title VII of the Civil Rights Act of 1964 against the defendant, DigiCom and assault and battery against Meredith Johnson, because Mr. Sanders was sexually harassed and assaulted by his direct supervisor, Ms. Johnson.

Mr. Sanders began his employment for defendant in or about 1990. On or about October 6, 2003, Mr. Sanders was sexually harassed by Ms. Johnson, when, after receiving a promotion and thus becoming Mr. Sanders' supervisor, she invited him to her office at 7:00 p.m. supposedly to talk about "business." Ms. Johnson proceeded to proposition Mr. Sanders for sex, and then demanded sex. Mr. Sanders refused and was informed by her that if he did not satisfy her sexual desires, he would be "dead."

### II. Procedural History and Settlement Negotiations

Plaintiff filed the complaint in this matter on January 2, 2004. To date, no discovery has been taken. The parties agree that mediation is the desired proceeding at this time in order to avoid the costs of embarrassing and protracted litigation. No settlement demand has been made at this time. Plaintiff has become aware that DigiCom has an EPLI policy and has been informed that the carrier will be part of the mediation.

### III. Statement of Facts for Mediation

Mr. Sanders has been employed by DigiCom since 1990. Prior to Mr. Sanders' marriage, he had an intimate relationship with Meredith Johnson, also employed by DigiCom. On October 6, 2003, Mr. Sanders learned that Ms. Johnson had received a promotion to his direct supervisor. After receiving said promotion, Ms. Johnson invited Mr. Sanders to her office so that they could become "reacquainted."

It was soon clear to Mr. Sanders that Ms. Johnson was intent on making sexual overtures to him during the meeting. After complimenting him on his body, she insisted that he rub her shoulders on the couch in her office. When he tried to walk away, she reached out for him from behind and grabbed his legs. A phone call then interrupted the conversation between the two, which Mr. Sanders was trying to keep a business level. After the telephone conversation was over, Ms. Johnson thrust herself upon Mr. Sanders and began kissing him on the mouth and face. Against his wishes, Ms. Johnson proceeded to perform oral sex on Mr. Sanders. Throughout this initial exchange, Mr. Sanders indicated that he did not want to go through with any sexual acts with Ms. Johnson, as he was married and had a family. Ms. Johnson then demanded to have sexual intercourse with Mr. Sanders. Despite the enormous confusion and intensity of the moment, Mr. Sanders collected himself and finally put an end to Ms. Johnson's behavior and informed her that he was not interested in having sexual intercourse with her. At this time, Ms. Johnson became

enraged and screamed at him as he left her office that he “was dead” and that he was making a huge mistake by not succumbing her demands.

#### IV. Plaintiff's Damages and Expenses

As a result of the discriminatory actions of defendants, Mr. Sanders has been damaged emotionally. He has suffered emotional injuries due to the conduct of Ms. Johnson. DigiCom is liable to plaintiff for the hostile work environment created by Ms. Johnson, as well as for quid pro quo sexual harassment because she tied job advancement to sex. Under Title VII, Mr. Sanders is entitled to compensatory damages (including, but not limited to, emotional distress damages), consequential damages and attorneys' fees and costs incurred in connection with this suit.<sup>1</sup>

##### a. Emotional Distress

Mr. Sanders suffered emotional distress and other emotional hardships which were directly caused by defendants' actions and which are compensable under the law. According to plaintiff's treating psychologist, he has suffered from post-traumatic stress disorder as a result of the sexual assault by Ms. Johnson. As a married man with a family, Ms. Sanders' life has been obviously disrupted by this matter. Plaintiff anticipates securing expert testimony regarding Mr. Sanders' emotional distress caused by defendants' conduct.

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<sup>1</sup> If Mr. Sanders had any wage loss, said losses would be itemized here. For purposes of this exercise, it is assumed Mr. Sanders does not have any wage loss damages.

b. Fees and Costs

Lastly, under Title VII, Mr. Sanders is entitled to have defendant pay the legal fees and costs incurred as the result of the lawsuit. Mr. Sanders has been represented pursuant to a contingency fee agreement. Plaintiff's legal fees and costs to date, without any enhancement, equals approximately \$20,000.

V. Conclusion

Because of the allegations in the instant matter and Mr. Sanders' significant emotional distress damages, plaintiff is confident of the outcome should this matter go to a jury. We are also aware of the potential embarrassment a public trial would cause the company, given the proposed takeover by the Australian conglomerate. Therefore, there is little room for negotiation. Of course, we will participate in the mediation in good faith and in the hopes of resolving this matter.

Very Truly Yours,

ELIZABETH S. BAIR