

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GINA SWEENEY,

PLAINTIFF,

CIVIL ACTION

v.

BAJA INTERNATIONAL, L.L.P., et al.,

NO. 99-3208

DEFENDANTS.

ORDER

AND NOW, this  day of March, 2001, after a hearing on the assessment of damages in the above-captioned case, IT IS HEREBY ORDERED that Judgment By Default is entered in favor of Plaintiff and against Defendants Baja International, L.L.P., Baja of Pennsylvania, L.L.P., Larry S. Spatz, and Larry A. Siegel (the “defendants”), in the amount of \$4,250.00 in lost wages, plus \$500.00 in nonpecuniary damages.

At the hearing, the plaintiff requested damages in the form of back pay¹ and nonpecuniary damages. The plaintiff seeks back pay for the time period from her termination, on November 29, 1997, to her eventual employment with the Greater Philadelphia Urban Coalition (“GPUC”), in December of 1999. In addition, the plaintiff seeks the difference between her average wage with the defendants and her average wage with GPUC for the period covering her employment with GPUC.

As an initial matter, the Court finds that it is not appropriate to award back pay damages for the period after the birth of the plaintiff's child, on July 24, 1998. The plaintiff

¹ At times during the hearing, back pay was referred to by counsel as “front pay.”

testified at the hearing that she could not find employment after that date because of "daycare issues" and the fact that "you have a newborn and then there's not really . . . too much for me that was going to be able to support me and my children at the time." Tr. at 26. Those factors would have been present regardless of whether the plaintiff had been wrongfully terminated by the defendants.² Assuming a wage rate of \$250 per biweekly pay period, the plaintiff would have earned \$4,250 in the 17 pay periods between the time of her termination and July 24, 1998.

The plaintiff also seeks nonpecuniary damages for the loss of reputation and pain and suffering she suffered as a result of the defendant's actions. The Court finds that part of the hardship endured by the plaintiff both before and after her child's birth would have been present regardless of whether she had been wrongfully terminated. See, e.g., Tr. at 25-26 (describing the plaintiff's housing problems). In the absence of more specific evidence from the plaintiff, the Court finds that \$500 fairly compensates her for the effort she expended in searching for a new job and for the discomfort she endured in having to explain her employment status.

No other damages were requested at the hearing.

BY THE COURT:

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My Madonna, Cog.
My Sammo, Cog.


MARY A. McLAUGHLIN, J.

² Because of the defendants' default, the factual allegations of the complaint, except those relating to the amount of damages, are taken as true. See Comdyne I, Inc. v. Corbin, 908 F.2d 1142, 1149 (3d Cir.1990).