



**U.S. Equal Employment Opportunity Commission**

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**Press Release**

01-12-2024

# **Nebraska Court Orders Trucking Company to Pay Deaf Driver Punitive Damages, Lost Wages After Jury Awarded Millions**

Werner Enterprises Must Also Report Its Treatment of Future Deaf Applicants

ST. LOUIS – Werner Enterprises, Inc. and Drivers Management, LLC must pay \$335,682 to a deaf truck driver months after an Omaha jury found in favor of the U.S. Equal Employment Opportunity Commission (EEOC) on disability discrimination claims, a federal judge ruled this week. The court also ordered the companies to submit semi-annual reports to the EEOC for the next three years with information about deaf truck driver applicants and new hires.

The judgment follows a jury verdict awarding \$36 million in punitive damages and \$75,000 in compensatory damages for truck driver Victor Robinson. The EEOC had sued Werner in U.S. District Court for the District of Nebraska (EEOC v. Drivers Management, LLC and Werner Enterprises, Inc., Case No. 8:18-cv-00462) under the Americans with Disabilities Act (ADA) after the truckload carrier refused to hire Robinson, a licensed, qualified truck driver, in 2016. The EEOC filed its suit after first attempting to reach a pre-litigation settlement through its conciliation process.

The case went to trial last year, and on Sept. 1, 2023, an eight-person jury found Werner violated the ADA when it failed to hire Robinson because he is Deaf and failed to provide him reasonable accommodation for his disability.

In a judgment entered Jan. 11, Senior Judge John M. Gerrard also found that Werner intentionally discriminated against Robinson in violation of the ADA. The judgment reduced the jury's verdict to \$300,000, as required by federal law limiting damages in employment discrimination cases. The judge also awarded Robinson \$35,682 in lost wages. Werner will also be required to pay pre-judgment interest on the wages.

“As the court noted in its order, federal law caps punitive damages at \$300,000 – not even one percent of the jury's intended award,” said Karla Gilbride, general counsel of the EEOC. “These caps, which were set by Congress decades ago, take away juries’ power to deter large employers from engaging in intentional discrimination against workers. Juries who have heard the evidence should be able to punish employers who knowingly or recklessly break the nation’s workplace civil rights laws without constraints from outdated caps on damages.”

Meredith Berwick, a senior trial attorney for the EEOC’s St. Louis District, said, “The court’s decisive judgment sends a clear message to employers that discriminating against Deaf workers will result in serious consequences. This judgment will help ensure that Werner does not continue to discriminate against qualified Deaf drivers like Victor Robinson.”

Joshua M. Pierson, supervisory trial attorney for the EEOC’s St. Louis District, said, “This judgment affirms the jury’s powerful verdict and sends a common-sense message that employers should judge applicants based on their qualifications and abilities, not unfounded assumptions about their disabilities.”

Andrea G. Baran, regional attorney for the EEOC’s St. Louis District, added, “By ordering Werner to submit information about Deaf truck driver applicants and new hires to the EEOC for the next three years, the court is enabling the agency to monitor the company’s compliance with the Americans with Disabilities Act and ensure equal employment opportunity for Deaf truck drivers. This is a victory not just for Victor Robinson, but for Deaf workers nationwide.”

According to its website, Werner maintains offices in the United States, Canada, Mexico, China and Australia and is among the five largest truckload carriers in the

United States. Its wholly owned subsidiary company, Drivers Management, employs, trains, and manages drivers.

The EEOC enforces federal laws prohibiting employment discrimination, including the Americans with Disabilities Act. More information about disability discrimination is available at <https://www.eeoc.gov/disability-discrimination> (<https://www.eeoc.gov/disability-discrimination>).

The EEOC's St. Louis District Office has jurisdiction over Missouri, Kansas, Nebraska, Oklahoma and a portion of southern Illinois.

The EEOC prevents and remedies unlawful employment discrimination and advances equal opportunity for all. More information is available at [www.eeoc.gov](http://www.eeoc.gov) (<http://www.eeoc.gov>). Stay connected with the latest EEOC news by subscribing to our [email updates \(https://public.govdelivery.com/accounts/USEEOC/subscriber/new\)](https://public.govdelivery.com/accounts/USEEOC/subscriber/new).

## Recent Press Releases from the St. Louis District Office

**[Omaha Hospitality Group to Pay \\$100,000 to Resolve EEOC Disability Discrimination Lawsuit \(https://www.eeoc.gov/newsroom/omaha-hospitality-group-pay-100000-resolve-eeoc-disability-discrimination-lawsuit-0\)](https://www.eeoc.gov/newsroom/omaha-hospitality-group-pay-100000-resolve-eeoc-disability-discrimination-lawsuit-0)**

**[Omaha Hospitality Group to Pay \\$100,000 to Resolve EEOC Disability Discrimination Lawsuit \(https://www.eeoc.gov/newsroom/omaha-hospitality-group-pay-100000-resolve-eeoc-disability-discrimination-lawsuit\)](https://www.eeoc.gov/newsroom/omaha-hospitality-group-pay-100000-resolve-eeoc-disability-discrimination-lawsuit)**

**[EEOC and Tapco Agree to Conciliate Discrimination Charge \(https://www.eeoc.gov/newsroom/eeoc-and-tapco-agree-conciliate-discrimination-charge\)](https://www.eeoc.gov/newsroom/eeoc-and-tapco-agree-conciliate-discrimination-charge)**

## Recent Press Releases on the Subject of Disability

**[Cash Depot Pays \\$55,000 to Settle EEOC Disability Discrimination Lawsuit \(https://www.eeoc.gov/newsroom/cash-depot-pays-55000-settle-eeoc-disability-discrimination-lawsuit\)](https://www.eeoc.gov/newsroom/cash-depot-pays-55000-settle-eeoc-disability-discrimination-lawsuit)**

**Omaha Hospitality Group to Pay \$100,000 to Resolve EEOC Disability  
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