

Judge OKs punitive damages in California gender bias case

March 22 2015, by Lisa Leff

A California trial judge ruled Saturday that a woman suing a Silicon Valley venture capital firm in a high-profile gender bias case may seek punitive damages that could add tens of millions of dollars to the \$16 million in lost wages and bonuses she is pursuing.

San Francisco Superior Court Judge Harold Kahn denied a request by lawyers for Kleiner Perkins Caufield & Byers to have Ellen Pao's demand for unspecified punitive damages thrown out. Pao, the interim CEO of the news and social networking site Reddit, claims she was passed over for a promotion at the firm because she is a woman and then fired in 2012 after she complained.

Kahn said there was enough evidence for the jury considering Pao's lawsuit to conclude that Kleiner Perkins acted with malice, oppression or fraud, which in California is the legal threshold for awarding damages that are designed to punish and deter particularly bad behavior.

"Per this standard, there is sufficient evidence from which a reasonable juror could conclude that Kleiner Perkins engaged in intentional gender discrimination by failing to promote Ms. Pao and terminating her employment," the judge said in the one-paragraph decision.

Kleiner Perkins has denied wrongdoing and says Pao didn't get along with her colleagues and performed poorly after she became a junior partner around 2010.

Jurors are expected to hear closing arguments in the case on Tuesday. Kahn's decision means he will instruct them before they start deliberating that they will need to decide, along with the validity of Pao's underlying sex discrimination claim, is whether she is entitled to punitive damages and if so, how much. Punitive damages often run much higher than the awards designed to compensate plaintiffs for financial losses.

The four-week trial on Pao's lawsuit has spotlighted gender imbalance at elite Silicon Valley investment companies that are stacked with some of the nation's most accomplished graduates who compete aggressively to back the next Google or Amazon.

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