

Texas Jury Clears American Airlines In Race Bias Mucus Suit

By Michael Phillis

Law360 (January 30, 2019, 10:47 PM EST) -- A Texas federal jury on Tuesday rejected racial discrimination claims made by an African-American passenger sitting in a first-class American Airlines seat who alleged a flight attendant served him poorly and then put mucus in his drink.

In a case where both sides had widely divergent understandings of the underlying facts, the jury said Jerome Madison was not able to prove a flight attendant or other employees of the airline racially discriminated against him.

The problems occurred on a Jan. 21, 2016, flight from Dallas to Atlanta. Madison had a coach ticket that, based on his status in the airline's frequent flyer program, was upgraded to first class. He was given a seat in the front of the first-class cabin and was the sole African-American in that section, according to court documents.

From there, the parties sharply disagree about what occurred. According to Madison, what happened next made him feel "disgust, revulsion, nausea, embarrassment, shock and humiliation," a court document said. According to an American Airlines filing in October, "The substance that was in the drink was not placed there intentionally by [flight attendant Charlotte Courtney] and its existence in the glass had nothing to do with plaintiff's race."

Madison's allegations were detailed in an April order. He was allegedly mistreated from the start of the flight. Courtney allegedly helped other passengers with their coats, but not Madison. She allegedly offered to get drinks for other passengers, while ignoring Madison. When he asked for a drink, he claimed she was sarcastic to him. When she delivered the drink to him, he "attempted to drink it, [and] noticed that it contained mucous [sic]."

He took a picture of the substance and confronted Courtney about it. She allegedly replied, "I have too much class to spit in your drink." Staff in Atlanta allegedly refused to let him file a report.

American Airlines said any issue with Madison's jacket was not the product of discrimination. And the reason Madison was not asked if he wanted a drink was because he "was working on his laptop with headphones" — the decision was an attempt not to interrupt him, the airline said.

"Her polite behavior has resulted in a baseless racial discrimination claim against her," the airline's summary judgment motion from October said.

The drink that was made for Madison allegedly had a foreign substance in it, which the airline said he had no evidence was spit or mucus. When the drink was shown to Courtney she was allegedly shocked, apologized and offered to make him a new one. He didn't want one. The airline added that Madison wasn't blocked from filing a complaint, he was simply told he needed to do so online, according to court records.

American Airlines declined to comment on the outcome.

John McKay, who represented Madison, said his client was contacted by a juror after the verdict who allegedly told him that "all members of the jury believed Mr. Madison's evidence ... but they wanted to find negligence rather than an intentional act."

McKay added that a negligence claim was not an option because it was preempted by federal law. McKay then had to show his client was discriminated against.

"The federal preemption issue severely limited what Mr. Madison was able to plead under the circumstances," McKay told Law360 in an email.

Madison is represented by Muhammad S. Aziz of Abraham Watkins Nichols Sorrels Agosto & Aziz and John D. McKay of Park Avenue Law LLC.

American Airlines is represented by Geoffrey W. Anderson and Allison T. Schluckebier of Anderson & Riddle LLP.

The case is Madison v. Courtney et al., case number 4:18-cv-00671, in the U.S. District Court for the Northern District of Texas.

--Editing by Bruce Goldman.