



JOHN DISNEY/DAILY REPORT

son wrote that "the current trial judge" is fully able to preside over the case.

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ON SAYS he's as qualified as to handle complex case

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DUNTY State Court judge handling malpractice case has rebuffed a request that he reassign the case to his predecessor, whose orders in favor of the defendant were reversed by the Georgia Supreme Court.

The defendant, medical-testing LabCorp, had argued that the case was so complex and involved so many rulings by Judge Susan Forsling that reassigning it to her would allow it to "proceed more efficiently" on remand.

Richardson, who took over the case when he was appointed to the position last year, said there was nothing in the record to support such a move.

question that the record in this

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The formal complaint, filed by the bar's ethics lawyers, also accuses the Blue Ridge Republican of letting his legislative duties get in the way of moving a client's case forward. The bar also accuses Ralston of violating rules on contingency fee agreements and providing financial assistance to clients.

Ralston will have a chance to defend himself in a hearing before a special master. The Supreme Court has appointed Hiawassee attorney

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David Ralston will have the opportunity to defend himself before a special master appointed by the state Supreme Court.



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Meredith Carter says her client, a former HR worker, was shocked by Kia's disregard for U.S. anti-discrimination laws.

Woman's suit accuses Kia of anti-woman, anti-US bias

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A FORMER EMPLOYEE at the Kia manufacturing plant in West Point has sued the South Korea-based carmaker, alleging it discriminated against her because she was American and a woman, then fired her after she filed a complaint with the Equal Employment Opportunity Commission in 2010.

According to Andrea Gogel's complaint in Fulton County Superior Court, during the nearly three years she worked in Kia's human resources department, Kia supervisors told her that—as a woman—she was not to speak at meetings, must “never

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Woman's suit accuses Kia of anti-woman, anti-US bias

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disagree with or argue with any of the Koreans" and should ignore federal discrimination statutes by screening out older job applicants and women who were not young and pretty.

Gogel's suit said that other non-Korean and female employees frequently complained about their working conditions. Kia, it said, "maintained a culture that subjected other American citizens, both white and non-white, to disparate terms and conditions of employment based on their race and alienage."

She cited "the Korean culture's propensity for hiring younger candidates for positions; [a] view that American citizens should be loyal to Koreans whether or not they were treated equally in the workplace; and an overall general dismissive attitude towards American workplace laws."

An attorney for Kia, W. Jonathan Martin II of Costangy Brooks & Smith's Macon office, said he could not comment on the case.

"As a matter of policy we don't comment on pending litigation," said Kia's director of corporate communications, Scott McKee.

Matthew Billips and Meredith Carter of Billips & Benjamin brought the suit June 19. Carter said Gogel, 44, was a career human resources worker who was shocked at the workplace culture and at what she was expected to do as a Kia employee.

"From what I've seen there was pretty egregious discrimination against women and American citizens," said Carter. For instance, she said, in interviewing job applicants, Gogel and another HR manager "were supposed to

use some sort of symbols on the applications to represent the ages of the applicants, like 'OG' for 'old guy.'"

"Another one was, when they were hiring for the General Affairs department, they told her they only wanted young, pretty females," said Carter. When Gogel protested that such practices constituted both age and gender discrimination, her supervisor "just laughed and said the decision was already made."

Gogel alleges in the complaint that a female security officer was fired because she was not pretty and that other female security guards were "hidden" when Korean top executives visited the plant.

"Women are not supposed to be security guards, apparently," said Carter.

According to the complaint, Gogel was recruited from Toyota in March 2008 to be a Team Relations Manager in the HR department. Carter said her client made \$118,000 a year. Gogel's duties included managing other HR staffers, helping employees understand policies and procedures and investigating internal complaints.

Kia's "organizational structure included an American and a Korean counterpart in just about all leadership positions," the complaint said, but the president and high-level management were all Korean males.

When Gogel began working at Kia, the complaint said, she was told "she had to understand the Korean culture and adhere to its beliefs."

"Ms. Gogel soon learned that the Korean culture and beliefs as exemplified by [Kia's] Korean management were contrary to American workplace laws and often violated American laws," it said. Kia's Korean managers, it said, "held negative stereotypes against women in the workplace and expected Amer-

ican employees to show up to work, do as told, and to not complain about anything they were told to do by a Korean manager, even if it were unlawful."

After one meeting, a male American manager told Gogel that a Korean manager "did not want her to speak so strongly as she did in the meeting," the complaint said. "When Ms. Gogel asked for more of an explanation, [the manager] told her that she really shouldn't speak at all in meetings." When Gogel asked whether he minded two of her male subordinates speaking in meetings, he said "no."

In September 2010, Gogel submitted a "Report of Concerns" to her supervisor, including "several issues regarding gender and national origin discrimination and the manner in which females and Americans are treated vs. males and Koreans," the complaint said.

In early November 2010, after a meeting with her supervisor and Kia's in-house lawyer, the two men "portrayed Ms. Gogel to be uncooperative in their 'investigation,' and expressed regret that her concerns could not be addressed based on the document."

The complaint said Gogel later learned the investigation had been closed. A few days later, she filed a charge with the EEOC asserting claims of discrimination based on sex and national origin.

The same month, the CEO of Kia Motors Manufacturing of Georgia (KMMG), Byung Mo Ahn, gave a speech to all the managers at a dinner.

"After his speech," the complaint said, "he shouted at the Americans in attendance, chastising them for complaining about KMMG and attempted to compare loyalty the Americans feel toward veterans and the loyalty Americans should feel toward KMMG."

When her supervisors found out about the EEOC charge, she was placed on administrative leave until she agreed to sign an "acknowledgment" that, among other things, barred her from discussing the charge or seeking documents for her own case, or from discussing "similar claims" with other employees.

In January 2011, Gogel was summoned into a meeting with her superiors and accused of "collusion" with another female employee who had also filed an EEOC charge and placed on administrative leave. Two weeks later she was fired. Her termination letter accused her of violating the acknowledgment document she had signed the previous month by "encouraging" the other employee to file a complaint.

Forcing Gogel to sign the agreement was itself a violation of her rights, said Carter, in addition to firing her for bringing the EEOC complaint.

"One of her duties was to go over policies and procedures with employees, including information on EEOC charges," said Carter. "By having her sign this, they were having her waive her rights under Title VII" of the Civil Rights Act of 1964. "It was entirely contrary to Title VII policies regarding retaliation; she was trying to keep her job, so she agreed. To us, it would never hold up in court."

Gogel's complaint includes claims for race, national origin and gender discrimination and retaliation for opposing that discrimination.

"With KMMG having such a presence in Georgia, this type of behavior should not be tolerated," Carter said. "Even though they're of Korean origin, they still have to abide by the American law, federal and state, for all of their employees. With this suit, we hope we can curb this behavior in the workplace, because they employ so many people." ☐