

The Baytown Sun

Jury rules for Exxon Mobil in Reiki case

By Ken Fountain
Baytown Sun

Published November 7, 2006

A Harris County jury deliberated a few hours Monday before finding the Exxon Mobil Corporation did not wrongfully terminate Cynthia Foster.

The verdict came after a weeklong trial of Foster's lawsuit, in which the former Baytown Olefins Plant lab employee claimed she was harassed and ultimately fired in 2002 because she did not bow to pressure from a supervisor and other employees to join a "New Age cult."

"We are pleased with the jury verdict. The jury came back and confirmed exactly what our investigations revealed, and that was that there was no discriminatory conduct at all," said Reid Gettys, lead attorney for the company.

Gettys said the evidence presented in the trial showed "Elaine Scharold actually saved Miss Foster's job at one point. She was very, very wrongly accused of improper conduct."

Scharold is the lab supervisor Foster accused of pressuring her and other fundamentalist employees to visit a Houston "spiritual advisor" named Alix Rodwell. Among other alternative practices, Rodwell uses a technique called "Reiki."

Gettys said the jury agreed with Exxon Mobil's position that "this case had absolutely nothing to do with religion."

The company maintained that Foster was fired because she made performance mistakes in the verification of product data and lied to management during an investigation of the incidents.

Dana LeJune, Foster's attorney, said the verdict was the result of a jury made up mostly of professionals and mid-management employees.

"When only 15 percent of the people who get jury summons show up, you get a jury panel like we had," he said. "It's really hard to get a jury of your peers when you're a working person."

LeJune said he did not anticipate an appeal.

"I think Judge (Jennifer) Elrod gave us a very fair trial," he said.

Foster originally filed suit in December 2003. A former contract employee at BOP, William McCracken, filed a similar suit in federal court at about the same time. In May, a jury ruled in favor of Exxon Mobil and contractor Kelly Services.

Copyright © 2006 The Baytown Sun

