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- [Today's Front](#)
- [News](#)
- [Permits](#)
- [Opinion](#)
- [Baytown Talk](#)
- [Sports](#)
- [Lifestyle](#)
- [Calendar](#)
- [Special Reports](#)
- [Photo Gallery](#)
- [Obituaries](#)
- [Communities](#)
- [Columns](#)
- [Weather](#)
- [Email Extra](#)
- [Mobile News](#)
- [RSS](#)
- [1-Month View](#)
- [Search](#)

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Second 'Reiki' trial starts today

By Ken Fountain

Baytown Sun

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Testimony is set to begin today in a civil trial in which a former employee of the Exxon Mobil Baytown Olefins Plant alleges a supervisor pressured her to subscribe to a "New Age religion."

A pretrial motions hearing and jury selection took place Monday in the trial of the lawsuit filed by Cynthia Foster in December 2003.

Foster, a professed devout Christian who worked in the BOP laboratory, claims her then-supervisor, Elaine Scharold, and other employees routinely tried to convince her to visit a Houston woman who practices a variety of alternative healing techniques.

Foster worked at the BOP laboratory from 1980 until she was fired in 2002. Exxon Mobil maintains she was terminated because of performance mistakes; specifically, authorizing incorrect data on a product sample.

According to the lawsuit, Scharold and other employees of the plant sent Foster to see the Houston woman, Alix Rodwell, for what was described as a "day of pampering" for her birthday in 1998.

When Foster went to the appointment, she learned "it was a type of indoctrination for a new age religion" called "Reiki," the complaint alleges.

A Web site devoted to Reiki (pronounced "Ray-key") defines it as "a technique for stress reduction and relaxation that allows anyone to tap into an unlimited supply of 'life force energy' to improve health and enhance the quality of life." The Web site says while Reiki is "spiritual in nature," it is not a religion.

Foster alleges she expressed concerns about the "Reiki group" to Exxon management during an investigation of complaints filed by another former BOP employee. She alleges the stated reasons for her termination were pretext, and that she was actually fired for not going along with the Reiki group.

Last October, state district Judge Jennifer Elrod granted summary judgment for Exxon Mobil, essentially finding Foster and her attorney, Dana LeJune, had

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not raised sufficient evidence that Foster was fired because of her religious beliefs.


In December, Elrod reversed her ruling based on the plaintiff's arguments that it was incorrectly based on whether Exxon Mobil failed to accommodate Foster's religious beliefs as a Christian. Instead, they argued, the issue is whether she was subjected to "disparate treatment" — that is, the "Reiki group" treated her differently because she is a Christian.

At about the same time that Foster filed her lawsuit, William McCracken, who worked at the laboratory as an employee of contractor Kelly Services, filed a similar complaint in federal court.

McCracken, also a devout Christian, claimed he was fired in retaliation for standing up on behalf of Foster and another employee against Scharold and the other Reiki adherents.

In a May trial, a jury ruled in favor of Exxon Mobil and Kelly Services.

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