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Woman Awarded \$ 180,000 In 2nd D.C. Fondling Case

by Alison Howard, Washington Post Staff Writer

A D.C. Superior Court jury awarded \$ 180,000 to a woman who said she was sexually molested in the back of an ambulance by an emergency medical technician, ruling that city officials failed to supervise him properly after an earlier complaint by a female patient.

The same jury cleared the city on Friday of negligence in the first complaint.

The question in each case was whether officials of the city's Emergency Ambulance Bureau, part of the D.C. Fire Department, had been negligent in their supervision of the medical technician, David N. Joy. Several jurors said later that the second woman won her civil suit because the first woman pressed hers.

"We all agreed that up to and including [the first incident in June 1988] . . . the actions of the District of Columbia were not negligent," one juror, a writer, said. After that, he said, the city was on notice about Joy and should have prevented the second incident from happening.

"We believed" the first woman, said another juror, a

30-year-old man who works in real estate. "But we couldn't find evidence of negligence."

One juror said that although the trial raised concerns about the Ambulance Bureau, "we don't think this is a representation of the bureau and all the [emergency medical technicians] on the street." Robert R. Bass, bureau director since January, said the bureau's system for investigating complaints was tightened in 1989 after the incidents.

When yesterday's verdict was read, the woman who won dropped her face into her hands and cried, quietly at first, but with more abandon as Judge Richard A. Levie thanked the jurors for their patience during a contentious trial that spilled into a fourth week. One of the jurors blew the woman a kiss as the panel left the courtroom.

The woman who lost said she was grateful for the message the jurors sent to her. "Being believed is far more important than winning," she said, and added, "I applaud them . . . for taking their oath so seriously." She said she did not regret going

through with the trial, in which much of her psychiatric history was on display, because "I gave up my privacy to the issue. This could have happened to a 13-year-old child."

Criminal charges against Joy in both cases were dropped, in one case after he agreed to perform community service.

City officials said they may appeal yesterday's verdict.

After Friday's verdict in favor of the city, Assistant Corporation Counsel Nancy S. Schultz said Joy, now a U.S. Park Service employee, once wanted to be a doctor "and he would never assault a woman."

The first woman testified that she was strapped to a board in the back of the ambulance after a car accident when Joy fondled her. The city contended that she misinterpreted what happened during a routine head-to-toe exam to determine the extent of her injuries.

But her attorney, Douglas R. Sparks, cited a 1987 report by another emergency medical technician who said Joy often shouted out ambulance windows at women and flirted with women when he should have been working. Sparks argued that the city should have known Joy was a poor choice to be an ambulance worker.

One juror, a 24-year-old woman in media relations, said there were "no hard facts" to indicate that the city should

have known then that he was dangerous to women. But she said current and former bureau officials who testified at the trial clearly tried to "cover up" the first woman's complaint, and the negligence began there.

The second woman told the jury that instead of going directly to a hospital after she summoned help for a breathing problem in December 1988, the ambulance parked for a time and Joy sexually molested her internally with his hand. Her attorney, Robert A. DeBerardinis Jr., told the jury it was a time of "absolute terror" for the woman.

Jurors said they arrived at the damage award by taking "poll after poll after poll." The initial range, said juror Sharon Berry, 24, an assistant to Sen. Thomas A. Daschle (D-S.D.), was \$ 1,000 to \$ 750,000. Just before lunch, when the compromise figure stood at \$ 25,000 (the mean of their choices), "we were just about to strangle each other," she said.

But after "a calming lunch," she said, they made their final compromises, and after the judge excused them, they reconvened down the street for a drink. "After three weeks together, we're like family," the forewoman said.