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Litigation: Editor's Picks



Anna Greenberg (L) and Edward Blizzard of Blizzard Law. Courtesy photos

NEWS

Winning Lawyer Says Victim Blaming Fueled \$44M Houston Verdict

“On balance, we think Hilton has a responsibility here,” plaintiffs attorney Ed Blizzard recounted telling the jury. “What kind of hotel makes an error like this, and puts a woman in the wrong room, and then she is sexually assaulted, blames her? They didn't really treat her as a human being, much less as a guest in the hotel.”

November 24, 2021 at 03:03 PM

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Reporter

Victim blaming is what really incensed the jury that awarded \$44 million to a hotel guest who alleged she was raped after Hilton employees put her in the wrong room, according to the winning lawyer.

Security video entered into evidence showed an unconscious woman being taken in a wheelchair into the room of a man who told police and hotel security officials, “She’s with me.” The man and woman were co-workers who had been drinking with other colleagues at a business conference that night in March 2017, according to the complaint. Earlier, another woman passing by had called 911 to report seeing the same man with his belt unbuckled and his pants unzipped on top of the same unconscious woman lying on the sidewalk just outside the Hilton Americas-Houston Hotel in downtown Houston. When police and hotel security officers arrived, they took her to his room, never checking her identification that was in her purse—which he was holding—to see that she had her own room, Ed Blizzard of Blizzard Law told Law.com on Wednesday.

Blizzard also said he thought the jury was moved by way his client was treated and by “the simplicity of preventing this. All they had to do was check her ID.”

Blizzard tried the case with his daughter Anna Greenberg, also of Blizzard Law in Houston, and Michelle Simpson Tuegel of Simpson Tuegel Law in Dallas.

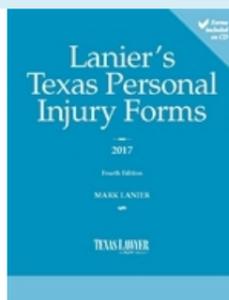
During deliberations, the jury sent several notes to Harris County Judge Scott Dollinger, Blizzard said. One of those notes asked for the specific document in which Hilton argued that Kathleen Dawson was “swilling it up” and engaging in “unbridled sex” on the night in question and was responsible for what happened to her. The judge couldn’t give the jury that document because it was in the defense answer to the complaint, which was not entered into evidence, Blizzard said. But the judge was able to provide a clip from the video deposition where a corporate representative repeated that defense.

The Nov. 18 verdict placed 90% of the fault on Hilton Management; 10% on Larry Joe Clowers Jr., the 46-year-old co-worker accused of rape; and 0% on Dawson, who was then 28.

Hilton was defended by Gregory Holloway of Taylor, Book, Allen & Morris in Houston. Reached at his office Wednesday, he declined to comment on the trial.

A Hilton spokeswoman shared the following written statement:

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Clowers was defended by Anthony Drumheller, Derek Hollingsworth and Jeremy Monthy of Drumheller, Hollingsworth & Monthy in Houston. They did not immediately respond to messages seeking comment.

Clowers testified that he had sex with Dawson in his room, but that it was consensual, Blizzard said. The complaint said her examination later at a Houston hospital showed tears and bruises consistent with rape.

Hearing the judge read the verdict provided a particularly powerful moment for Dawson, Blizzard said.

The first question on the verdict form was: “Did Larry Joe Clowers Jr. commit a sexual assault against Kathleen Ann Dawson?”

The jury answered “yes.”

The second question was: “Did the negligence of those named below proximately cause the occurrence in question?”

The jury answered “yes” for Hilton and “no” for Dawson.

At that moment, Blizzard said his client “let out the biggest sob.”

“When she heard the jury’s answer that she wasn’t at fault, that was a big issue, because people were saying, ‘You brought this on yourself,’” Blizzard said.

“I argued she did drink too much that evening, and she takes full responsibility for that and the embarrassment it caused because of her job,” Blizzard said. “Her getting drunk did not cause the rape. We had to move past that and not blame women for what they wore or what they did.”

Blizzard said some of the defense witnesses and even defense counsel in some documents referred to Dawson as “pink heels” because she wore pink pumps that night.

The verdict included nothing for punitive damages, which are precluded under Texas law for cases involving a crime by a third party, Blizzard said. He preferred to keep the damages placed on specific injuries where he believes they’re more likely to hold up on appeal.

The biggest award from the jury was \$30 million for future mental anguish for Dawson.

“Our client’s life was shattered by this,” Blizzard said. He said she suffered from post traumatic stress disorder and had to give up her job, which included travel and business meetings that only triggered disturbing memories.

The jury awarded \$7 million for past mental anguish and \$5 million for loss of earning capacity.

Blizzard said the jury gave his client more than was asked for on the portion of fault placed on Hilton. He had requested 80/20.

He said he told the jury he knew it was difficult to apportion fault between a “perpetrator and a facilitator,” a person who was drunk and those who were “stone cold sober” and “supposed to be doing their job.”

“On balance, we think Hilton has a responsibility here,” Blizzard said he told the jury. “What kind of hotel makes an error like this, and puts a woman in the wrong room, and then she is sexually assaulted, blames her? They didn’t really treat her as a human being, much less as a guest in the hotel.”

Blizzard said this is a case that has struck a broader theme and resonated beyond the courtroom.

“A lot of survivors of sexual assault have reached out to us and told us how much this meant to them,” he said. “Fighting for Kathleen, as she came out with a victory, has been really rewarding.”

The case is *Dawson v. Hilton*.

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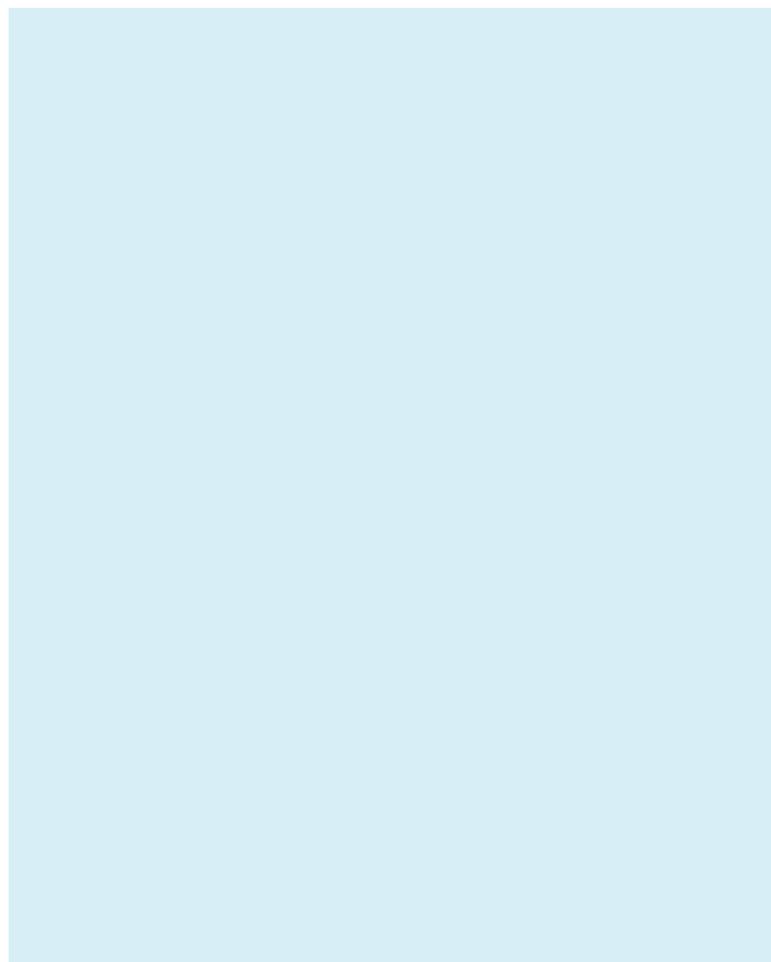
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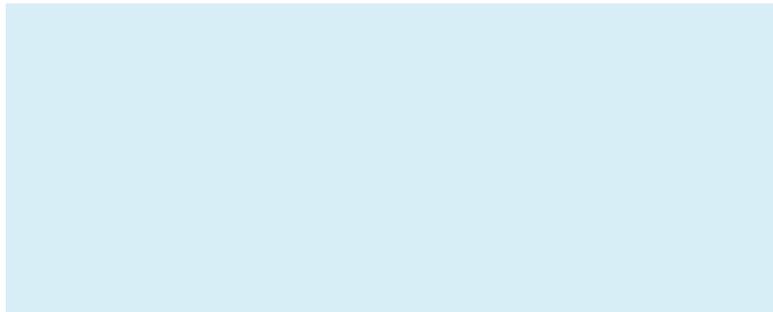
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