



Litigating Sexual Harassment & Sex Discrimination Cases

by Elizabeth Hubbard

STAY
CURRENT!

HIGHLIGHTS

Litigating Sexual Harassment & Sex Discrimination Cases is your comprehensive guide to all aspects of sexual harassment and sex discrimination claims, from both the plaintiff's and the defendant's perspective. In this annual update, author Libby Hubbard has provided current case law, new forms, and additional practice tips to keep you on the cutting edge of this challenging and still-evolving area of practice.

In this annual update you receive:

- **Answers to the following questions:**
 - Is a constructive discharge a “tangible employment action” for purposes of the *Ellerth/Faragher* defense? (see §1.90).
 - Who is an “employee”? (see §4.9).
 - When can the plaintiff argue a “continuing violation”? (see §4.12).
 - How can the plaintiff avoid the “stray remarks” defense? (see §9.18, Practice Note).
 - Can the plaintiff rely solely on circumstantial evidence in a mixed motives case? (see §10.96).
 - In evaluating an arbitration agreement, what factors will the court consider in determining whether to declare the entire agreement unenforceable or to excise certain offending provisions? (see §§12.37, 20.40).
- **27 new cases in the Digest**, including coverage of *Graffiti*, Eleventh Amendment Immunity, and Customers’ Conduct, as well as the Supreme Court decisions in:
 - *Clackamas Gastroenterology Associates P.C. v. Wells*, ___ U.S. ___, 123 S. Ct. 1673 (2003); and
 - *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101, 122 S. Ct. 2061 (2002).
- **11 new Forms:**
 - Pre-Litigation Request For Plaintiff’s Personnel File (Form 3A)
 - Request for Admissions (3 sets, Forms 31A, B, C)
 - Motions in Limine—common to most cases (Form 41A)

- Motion in Limine to Admit Evidence of Plaintiff's "Sexual Conduct" in the Workplace (Form 41B)
- Reply to Opposition to Defendant's Motions in Limine to Admit Evidence of Plaintiff's "Sexual Conduct" (Form 41C)
- Opposition to Motion in Limine to Exclude Reference to Sexual History (Form 41D)
- Supplemental Trial Memorandum Re: Admissibility of Evidence of Harassment (Form 55)
- Dating Relationship Agreement (Form 56)

You should find this major piece of work a valuable research and drafting tool. However, if you do not wish to keep it, you may return it with the enclosed invoice (stating on the back the reason for return) to the address below within 30 days for full credit.

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