

2 Attys Face Sanctions In Kohl's Row For Depo Objections

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Law360, New York (November 23, 2016, 7:22 PM EST) -- Two [Vorys Sater Seymour and Pease LLP](#) attorneys are facing sanctions as defense counsel in an employment suit against [Kohl's Department Stores Inc.](#) for allegedly making hundreds of frivolous objections during recent depositions.

Susan Gentile, a former longtime employee of Kohl's who claims she was denied advancement due to her gender, told an Ohio federal court Tuesday that the discount store's counsel from Vorys Sater have carried out "frivolous, obstructionist, and sanctionable conduct" during four recent depositions, including allegedly making "hundreds" of objections.

Such conduct, while being unprofessional and in violation of the attorneys' ethical duties, also influenced the testimony of those being deposed and "unnecessarily impeded" the deposition as a whole, Gentile said.

Considering this, Gentile asked the court to order Vorys Sater to pay the attorneys' fees and any costs stemming from the four depositions, in addition to any other sanction deemed proper for attorneys Lisa Forbes and Heather Lutz's "bad faith deposition and discovery conduct in this case," according to the motion.

A representative for Vorys Sater could not be reached Wednesday for comment.

The depositions at issue occurred in early October, and included some Kohl's staff who had worked with Gentile during her time with the store, including a regional store manager for Kohl's in Ohio, Jason McAtee.

While McAtee was sitting for his deposition, Gentile claims that Vorys Sater attorney Lisa Forbes made 190 objections, with 80 objections as to "form," all of which "except perhaps a handful" were made without any legitimate basis.

As an example, Gentile said when McAtee was asked "Does leadership experience mean as a sales manager, or can it be as an assistant sales manager?" Forbes made a form objection with the question "What do you mean by 'sales manager'?"

"Defense counsel has no right to object to a question based on their failure to understand it," Gentile argued.

She also claims that these numerous objections essentially served as a means to "coach" McAtee in his answers, and said at times Forbes even attempted to "change" his answers and "wrote notes" to McAtee on a pad of paper that he read during his questioning, according to the

sanctions motion.

Similar events occurred in the three other depositions at issue, Gentile said.

In her complaint, initially filed in September 2014, Gentile accuses Kohl's management of repeatedly refusing "without explanation" requests for mentoring and advancement opportunities.

Although Gentile worked for an Ohio Kohl's for over a decade after starting with the retailer in 1999 and made straightforward attempts to move up in the company by means of corporate policies and ostensibly available opportunities, her store manager, William Schutte, allegedly blocked her way, as he did with other female employees, according to the complaint.

Besides refusing Gentile's and other female workers' attempts at career advancement, Gentile claims that Schutte generally exhibited "aggressive, threatening and abusive behavior" toward women, including physically moving and shaking employees and "belligerently screaming" on occasion.

For her claims of gender and age discrimination, sexual harassment and being subjected to a hostile work environment and retaliation, Gentile, who was 62 when she filed the suit, is seeking damages of at least \$100,000, along with front and back pay and punitive damages.

Gentile is represented by Caryn M. Groedel of Caryn Groedel & Associates Co. LPA.

Kohl's is represented by Lisa Babish Forbes and Heather M. Lutz of Vorys Sater Seymour & Pease LLP.

The case is *Gentile v. Kohl's Department Stores Inc. et al.*, case number [1:14-cv-02268](#), in the U.S. District Court for the Northern District of Ohio.

--Editing by Bruce Goldman.

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Case Information

Case Title

[Gentile v. Kohl's Department Stores, Inc. et al](#)

Case Number

[1:14-cv-02268](#)

Court

Ohio Northern

Nature of Suit

Civil Rights: Other

Judge

[Solomon Oliver, Jr](#)

Date Filed

October 10, 2014

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