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Jury Awards \$2.4 Million in Punitive Damages to Ex-Employee of Apparel Firm

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A former TapouT sales representative who filed suit over a wage dispute with the action sportswear company was today awarded \$2.4 million in punitive damages by a Los Angeles Superior Court jury.

The panel deliberated for about a half-hour before finding in favor of Michelle Thomas in her wrongful termination case. The same panel on Monday awarded her \$840,000 in compensatory damages, bringing her total award to more than \$3.2 million.

Thomas, a 32-year-old trade show model from San Pedro, wept when she heard Monday's verdict and today was "overwhelmed," said her lawyer, Carney R. Shegerian.

"We're very happy and pleased that the jury saw through all the (TapouT) smoke and mirrors," Shegerian said.

The punitive damages phase was triggered when the panel concluded that TapouT acted with malice toward Thomas, who filed her suit in October 2008.

She maintained that she was not paid the commissions she was promised and was denied overtime for working as many as 70-plus hours some weeks during her eight months on the job.

Thomas also testified that employees were told to pay out of their own pocket for any television subscriptions needed to view the company's show on the Versus cable network, called "TapouT," as well as pay-per-view Ultimate Fighting Championship bouts.

Thomas said she was roundly criticized by a supervisor for not watching one required program on her birthday. She was fired in June 2008.

Defense attorney Gail F. Montgomery told jurors that TapouT sales representatives were entitled to time off instead of overtime because of their employee classifications.

She said Arika Helton, TapouT's national sales manager, testified Thomas never complained to her about not being paid overtime.

TapouT began as a company in 1997. One of its co-founders, Charles "Mask" Lewis Jr., was killed in a car crash in Newport Beach in in March 2009. Lewis and the company's other co-founders were featured on the "TapouT" show.

TapouT, which was based in Grand Terrace, was acquired last year by Authentic Brands Group.

Shegerian said his client will still be able to collect damages despite the sale.

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