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Ex-employee sues, calls Lowe's unsafe

Suit suggests response to complaint might have prevented sexual assault

By Laura McVicker
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A former cashier of an Orchards-area Lowe's Home Improvement store is suing the company, alleging it didn't protect her when her supervisor sexually assaulted her in a bathroom stall two years ago.

In the sexual harassment lawsuit filed in Clark County Superior Court, Elyse Moreton, 22, is seeking unspecified damages against defendants Lowes HIW Inc., and former supervisor Brandon B. Riggan.

The case is scheduled for trial Oct. 25.

Moreton was working at Lowe's, 11413 N.E. 76th St., on July 23, 2008, when, court records say, Riggan followed her into the ladies' restroom and started kissing, groping and sexually assaulting her. This came after weeks of repeated unwanted sexual advances at work, the suit claims.

Riggan, 30, of Vancouver, who was terminated after the incident, pleaded guilty to attempted indecent liberties with forcible compulsion in connection with the assault. He was sentenced by Superior Court Judge Barbara Johnson on April 14, 2009, to four years' prison.

The suit claims Lowe's management took no action before the assault, when Moreton had reported the sexual harassment to another head cashier. As a result of the assault, the suit alleges, she "suffered damages in the nature of lost wages and benefits; past and future medical expenses; and pain, suffering and mental anguish."

"To me, the justice is for them to own up to it," Moreton said last week during an interview at attorney Michael Beaty's office in downtown Vancouver. "How bad does it have to get until they're made aware?"

The Columbian generally doesn't identify victims of sexual assaults, but is identifying Moreton because she is the plaintiff in the civil case and went public with her comments.

When reached by telephone, Thomas Lemly, a Seattle attorney for Lowe's, declined comment because of the ongoing civil litigation, saying only: "The main issues were in the criminal case, and the principal players are not employed at Lowe's anymore."

Unwanted advances

According to police reports that led to Riggan's arrest and conviction, the situation started two weeks before the sexual assault when Moreton was given the task of training Riggan, who had just been hired as a head cashier. When they first met, Riggan told her he was married but "was open to having a mistress."

At this point and during several more advances, Moreton told him she wasn't interested. But "no matter what I'd say to him, it would never register," she said Friday.

After more lewd comments, Moreton reported the situation to a female head cashier on July 22, 2008. The head cashier acknowledged Riggan's comments were inappropriate but never reported the situation to superiors, the suit and Moreton claim.

The next afternoon, Moreton came back from her lunch break and encountered Riggan, who was off-duty and said he was there to talk to a co-worker. Instead, he hung around Moreton and followed her around the store, according to police documents.

She went to the ladies' restroom and was in a stall when she heard a man's voice say: "Is anybody in there?" She called out that she was inside, believing it was the janitor.

That's when Riggan entered her unlocked bathroom stall, sexually assaulted and then threatened her if she reported the incident, according to court documents filed in the criminal case.

Moreton alerted a manager and called her parents. Her parents encouraged her to call 911. Sheriff's deputies responded and took a statement from Moreton. Deputies arrested Riggan that night at his home without incident, according to police reports.

Moreton hasn't worked at Lowe's since the 2008 incident. A worker's compensation claim filed by Beaty covered her wages and doctor visits through January 2009.

Moreton said she's still receiving psychiatric treatment and hopes money obtained in the lawsuit will help cover the future costs. Diagnosed with post-traumatic stress disorder, Moreton said, she lost 20 pounds in the weeks after the incident because of anxiety, and still has trouble sleeping and keeping food down.

More than that, she hopes the lawsuit sends a message to other employers and employees.

"Someone once asked me, 'Why are you mad at Lowe's for something Brandon did?'" she said. "I'm mad at Lowe's because they didn't provide a safe environment."

"I like to think I can be a voice of those who may not think they're strong enough to speak up for themselves," she added.

This isn't the first sexual harassment claim in Southwest Washington against the home-improvement warehouse chain. In August 2009, three former employees of a Longview Lowe's store won a \$1.7 million lawsuit against the company for a claim of ongoing sexual harassment by managers and one case of alleged sexual assault, according to the U.S. Equal Employment Opportunity Commission.

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