

Texas Supreme Court Rejects Bid by Steak 'n Shake to Dismiss Employee Sexual Assault Lawsuit
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Fears Nachawati law firm: Ruling marks important victory for holding businesses accountable for workplace safety

DALLAS, March 27, 2020 /PRNewswire/ -- For the second time, the Supreme Court of Texas has rejected an attempt by Steak 'n Shake (NYSE: BH) to dismiss a lawsuit filed by a former employee who was allegedly sexually assaulted by her manager.

The ruling released Friday marks an important victory in efforts to hold businesses accountable for the actions of supervisors, said trial lawyer [Matthew McCarley](#) of Dallas-based Fears Nachawati, who represents the plaintiff. With Friday's action, Mr. McCarley said he is confident that Steak 'n Shake will have to answer to the claims in a jury trial.

"Steak 'n Shake has thrown up every legal hurdle it can to dodge accountability for the actions of its General Manager and its failure to provide a safe work environment for employees," Mr. McCarley said. "It's time for Steak 'n Shake to stop hiding behind legal technicalities and take responsibility to ensure workers feel safe on the job."

The ruling stems from a lawsuit filed by a woman identified as B.C. who claims her manager at a Frisco, Texas, Steak 'n Shake assaulted her during a late-night shift in 2011. She sued the San Antonio-based casual restaurant chain for sexual assault. In Friday's ruling, the Supreme Court rejected Steak 'n Shake's argument that certain evidence could be excluded from consideration because of an alleged untimely filing.

This is the second time that the Supreme Court of Texas has rejected an appeal from Steak 'n Shake in this case. In 2017, the court made an important and closely watched finding that workplace sexual assault lawsuits can be treated differently than sexual harassment claims and are not required to be guided by an administrative process under the Texas Commission on Human Rights Act.

The case is *B.C., Petitioner v. Steak 'n Shake Operations Inc., No. 17-1008*. In addition to Mr. McCarley and the Fears Nachawati law firm, Dallas-based attorney Matthew J. Kita handled appellate arguments.

Dallas-based Fears | Nachawati Law Firm represents individuals, businesses and governmental entities in litigation, including sex abuse and sexual assault claims, business interruption claims arising from Coronavirus (COVID-19) and other natural disasters, serious personal injury and wrongful death, and mass torts arising from environmental damage and water contamination, as well as defective drug and medical device litigation. For more information, visit: <https://www.fnlawfirm.com/>.

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