

McGraw, Chief Justice, dissenting:

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July 6, 2001

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SUPREME COURT OF APPEALS
OF WEST VIRGINIA

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RORY L. PERRY II, CLERK
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In this case the plaintiff below went from working for the plant manager for human relations to working as an “errand-girl” in the production area of the plant in less than a year. This coincidental demoting of the plaintiff coincided with her filing of a wage-payment suit against Georgia-Pacific.

She wished to enter into evidence several items that would explain why she filed the wage suit. Chief among these was a memorandum that showed that Georgia-Pacific found it necessary to change its payment policies so that all employees would be paid every two weeks, as our law requires.

The judge kept this evidence out of the trial. I believe a jury should have had access to this evidence, so that they could better understand the case. Essentially, Ms. Love sought to introduce this evidence to show Georgia-Pacific’s motive for demoting her.

Had the jury had evidence before it that showed that Ms. Love’s actions forced this company to change its ways, it is possible that the jury would then have felt that Georgia-Pacific had sufficient motive to retaliate against Ms. Love. It is not ours to say whether the company in fact retaliated against Ms. Love for her wage suit by constructively discharging her. However, I see no valid reason to

have kept this evidence from the jury, and on that basis, I would have granted Ms. Love's request for a new trial.

Therefore, I respectfully dissent.