

11th Circuit Upholds \$1.7 Million Verdict Against Carpenters Union

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**John T.L.
Koenig**
Partner

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The 11th Circuit yesterday upheld a \$1.7 million jury verdict against the Southeastern Regional Carpenters Council for illegal secondary boycott activity. The [full opinion](#) is now available.

According to the union's own written materials, it started a campaign against a non-union contractor in Atlanta because the contractor "simply . . . pick[ed] up too much [potential union] work downtown." The union decided "to eliminate the threat" within 90 days.

The union's boycott included a large protest outside Emory hospital. The union chose to "hit [Emory] hard and fast" because "the prestigious Emory hospital would probably not want demonstrators outside their building." At least 130 picketers confronted patients and visitors of the hospital and shouted "Rat!" and "Stop the Rats!" at those who crossed the picket line. The union protested over the course of many months at several other sites where the non-union contractor had jobs, and their standard tactics included shouting things at visitors like "Rats out!," "There [are] rats in the building!," and "B___ rat!"

In upholding the large damages award, the Court found the contractor proved it would have earned more profits but for the picketing, so the jury was entitled to award it damages based on lost opportunities to bid. The Court concluded, "This . . . go[es] beyond the Union's alleged desire to . . . 'level the playing field'; this is the blatant elimination of competition."