

New trial ordered in skycap tip suit

By Jonathan Saltzman, Globe Staff | June 21, 2008

Eight current and former American Airlines skycaps who were awarded \$283,114 for tips they lost when the airline implemented curbside baggage fees may have to return to court to battle for the money.

US District Judge William G. Young on Thursday ordered a new trial in the lawsuit brought by the eight skycaps, who were employed by the airline's Texas-based subcontractor, G2 Secure Staff. A US jury had awarded them the money on April 7 after the airline allegedly violated the state's tips law.

Young said he erroneously accepted a broad interpretation of the law by the skycaps and should have posed an additional question on the jury slip.

In a retrial, the jury would be asked to determine whether passengers who paid \$2 fees to check in bags curbside beginning in September 2005 expected the money to go to the G2 skycaps. If the jury found that was the expectation, the previous award would stand.

The judge's order for a new trial does not apply to a ninth skycap, Don DiFiore, because he has worked directly for American since 1983. He was awarded \$41,886 for tips he lost as a result of the \$2 baggage fees. Young encouraged the G2 skycaps to ask the state Supreme Judicial Court to review his interpretation of the tips law and said he would abide by the high court's views.

Shannon Liss-Riordan, a Boston lawyer representing the nine skycaps, said she will ask Young to reconsider his ruling. If he declines, she will take it to the state's highest court, as he suggested.

"We persuaded the jury that passengers reasonably believed that the money should go to the skycaps, so I believe that a new trial is not necessary," she said.

American said in a statement that it was extremely pleased its request for a new trial was granted.

On May 29, American agreed to drop the \$2 fee at airports and to lift a ban on tips for skycaps at Logan Airport beginning June 15. The skycaps at Logan agreed to drop a federal claim that accused the airline of imposing the tips ban May 1 in retaliation for the skycaps' victory in their lawsuit.