



BENTON EMPLOYMENT LAW

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INTERVIEWS AVAILABLE

Federal jury unanimously awards \$5 million to truck driver Joseph Sample Jr. in Cemex case

Verdict follows federal trial over allegations that a Black, disabled truck driver endured years of racial and disability abuse at East Bay plants

SAN FRANCISCO, APRIL 1, 2026 — A federal jury on Tuesday returned a \$5 million verdict in favor of Joseph Sample Jr., a Black, disabled ready-mix truck driver who said he was subjected to years of racial slurs, mockery and a hostile work environment at Cemex plants in Antioch and Concord, and was later fired after repeatedly raising concerns.

The nine-member jury reached its unanimous decision after a trial that began March 23 before Judge William H. Orrick in U.S. District Court for the Northern District of California. The award compensates Sample for years of abuse he suffered while employed by the multinational concrete company.

“My mom, who has passed away, told me to stand up for myself against these people and I could help change the culture of the company,” Sample said. “Despite the constant abuse, I always tried to be the best employee I could be.”

At trial, Oakland civil rights attorney Adanté Pointer told jurors the evidence would show that Cemex permitted workers to harass Sample because of his race and disability and failed to protect him. Jurors heard evidence that coworkers called Sample the N-word, “monkey,” “retarded” and other degrading names.

Sample was born with a disability affecting one ear, making him hard to understand at times, and he walked with a limp. He worked at Cemex between 2017 and 2022.

“The jury unanimously agreed that Mr. Sample was openly discriminated against by Cemex employees,” Pointer said. “They had no right to abuse, taunt, mock and demean Mr. Sample. They had no right to call him such despicable names. And Cemex was wrong in acting as if it didn’t happen because they claimed to be unaware of it.”

During the trial, former Cemex driver and shop steward Thomas Milano testified that he repeatedly heard coworkers refer to Mr. Sample as “the retard,” reported the hostile work environment to human resources and a plant supervisor, and was never interviewed by HR afterward.

“This verdict confirms that no worker should be forced to endure years of racial and disability harassment just to keep a job,” said employment attorney Chambord Benton-Hayes. “The jury saw the evidence and held Cemex accountable.”



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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH SAMPLE,
Plaintiff,

v.

CEMEX CONSTRUCTION MATERIALS
PACIFIC, LLC,
Defendant.

Case No. 23-cv-00428-WHO

FINAL VERDICT FORM

We the jury unanimously find as follows:

CLAIM 1 -- Title VII: Hostile Work Environment – Race (Instruction Nos. 14, 16–18)

Question 1: Did Plaintiff Joseph Sample, Jr. prove by a preponderance of the evidence his claim under Title VII that he suffered a hostile work environment because of his race and that Cemex’s management knew or should have known of the harassment and failed to take prompt, effective remedial action reasonably calculated to end the harassment?

Yes: No:

Please proceed to the next question.

CLAIM 2 -- FEHA: Hostile Work Environment – Race/Disability (Instruction Nos. 15–20)

Question 2: Did Plaintiff Joseph Sample, Jr. prove by a preponderance of the evidence his claim under FEHA that he suffered a hostile work environment because of his race and/or disability?

Yes: No:

CLAIM 3 -- 42 U.S.C. § 1981: Discrimination on the Basis of Race (Instruction Nos. 21–22)

Question 3: Did Plaintiff Joseph Sample, Jr. prove by a preponderance of the evidence his claim under 42 U.S.C. § 1981 of discrimination in making and enforcing contracts?

Yes: No:

United States District Court
Northern District of California

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1 If you answered "YES" to ANY of the preceding questions, proceed to the next question. If you
2 answered "NO" to ALL of the preceding questions, please sign and date this verdict form and
3 return it to the Court.

4 **DAMAGES (Instruction Nos. 23–25)**

5 **Question 4:** What amount of noneconomic damages compensates Plaintiff Joseph Sample, Jr.?

6 \$ 5,000,000


7 Please proceed to the next question.
8

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10 **PUNITIVE DAMAGES (Instruction No. 26)**

11 **Question 5:** Did Plaintiff Joseph Sample, Jr. prove by clear and convincing evidence that punitive
12 damages should be awarded against Defendant Cemex?

13 Yes: _____ No: _____
14

15 Please sign and date this form and then return it to the Court.

16 Signed:  (Presiding Juror)
17

18 Dated: 3/31/26
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United States District Court
Northern District of California