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McCann-Erickson, Peter Kim Named In Anti-Gay Bias Lawsuit; At Least \$1 Mil. In Damages Sought By Rob Lenihan

March 9, 1998, 12:00 AM EST

Advertising & Branding

A former McCann-Erickson staffer is accusing the agency of discriminating against him because he is gay in a federal lawsuit filed here in the U.S. Southern District Court.

McCann officials declined comment; an agency attorney said there was no basis to the complaint.

Craig Ferguson, 34, charges in the suit that McCann executives subjected him to "a work environment hostile to homosexuals" and denied him adequate pay "due to his sexual orientation and [wrongly] perceived disability as a person with AIDS." Ferguson, who worked at McCann for nearly five years, was fired on Feb. 28, 1996--one day, his attorney, Gregory Antollino said, before he would have qualified for retirement benefits.

The suit alleges Ferguson was a valued employee whose career took a bad turn when Peter Kim, named as a defendant in the case, took over Ferguson's department. Kim is now chief executive of Bright Sun Communications in New York.

The suit claims Ferguson was "singled out" in not being invited to a McCann men's retreat that was attended by Iron John author Robert Bly. A Jan. 9, 1995, memo from Kim to another McCann executive regarding the retreat states: "Craig may contact you regarding the Men's Weekend. He is not invited--provide no explanation."

Also named as a defendant in the suit is Ferguson's former supervisor, then-senior vice president Steve Xenakis. Ferguson alleges that Xenakis once asked him, "Don't you think all the gays with AIDS deserve what they get for screwing around?" and repeatedly asked, "You're not going to die on us, are you?" The suit states that Ferguson does not have the AIDS virus.

McCann personnel head Donna Borseso is also named in the suit. In a memo from Borseso to Kim dated June 22, 1995, Borseso wrote: "Per our conversation, I have checked Craig's files for poor evaluations Regarding termination, it is imperative that everything be documented before probation his legal and/or health problems could become an issue; as may sexual orientation."

Borseso and Kim both declined comment; Xenakis did not return calls.

Ferguson is seeking damages in an amount "not less than \$1 million," plus punitive damages. No trial date has been set. The suit, filed last year, is still in the discovery phase.