



## Plaintiff claimed he was fired to conceal discriminatory practices

**Type:** Verdict-Plaintiff

**Amount:** \$155,413,344

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Case Type:**

- *Employment - Retaliation; Age Discrimination; Wrongful Termination; Disability Discrimination*

**Case Name:** Andrew Rudnicki v. Farmers Insurance Exchange, Farmers Insurance Group, Zurich Insurance, Zurich, Zurich North America, Farmers Group Inc., Zurich Insurance Company, Truck Insurance Exchange, Fire Insurance Exchange, and Does 1 to 100, inclusive, No. BC630158

**Date:** December 16, 2021

**Plaintiff(s):**

- Andrew Rudnicki, (Male, 0 Years)

**Plaintiff Attorney(s):**

- Carney R. Shegerian; Shegerian & Associates; Los Angeles CA for Andrew Rudnicki
- Anthony Nguyen; Shegerian & Associates; Los Angeles CA for Andrew Rudnicki
- Mahru Madjidi; Shegerian & Associates; Los Angeles CA for Andrew Rudnicki
- Leonard E. Livshits; Shegerian & Associates; Los Angeles CA for Andrew Rudnicki
- Griselda Rodriguez; Shegerian & Associates; Los Angeles CA for Andrew Rudnicki

**Plaintiff Expert  
(s):**

- Craig Snyder Ph.D.; Psychology/Counseling; Los Angeles, CA called by: Carney R. Shegerian, Anthony Nguyen, Mahru Madjidi, Leonard E. Livshits, Griselda Rodriguez
- Tamorah Hunt M.B.A., Ph.D.; Economics; Santa Ana, CA called by: Carney R. Shegerian, Anthony Nguyen, Mahru Madjidi, Leonard E. Livshits, Griselda Rodriguez
- Roderick C. Stoneburner M.S., C.R.C.; Vocational Rehabilitation; Wildomar, CA called by: Carney R. Shegerian, Anthony Nguyen, Mahru Madjidi, Leonard E. Livshits, Griselda Rodriguez

**Defendant(s):**

- Zurich
- Zurich Insurance
- Farmers Group Inc.
- Zurich North America
- Farmers Insurance Group
- Fire Insurance Exchange
- Truck Insurance Exchange
- Zurich Insurance Company
- Farmers Insurance Exchange

**Defense  
Attorney(s):**

- Lynne C. Hermle; Orrick, Herrington & Sutcliffe; Menlo Park, CA for Farmers Insurance Exchange, Farmers Group Inc.
- Joseph C. Liburt; Orrick, Herrington & Sutcliffe, LLP; Menlo Park, CA for Farmers Insurance Exchange, Farmers Group Inc.
- None reported for Farmers Insurance Group, Fire Insurance Exchange, Truck Insurance Exchange, Zurich, Zurich Insurance, Zurich Insurance Company, Zurich North America

**Defendant  
Expert(s):**

- J. Duross O'Bryan C.P.A.; Accounting; Los Angeles, CA called by: for Lynne C. Hermle, Joseph C. Liburt
- Edward L. Bennett; Vocational Rehabilitation; Santa Barbara, CA called by: for Lynne C. Hermle, Joseph C. Liburt

**Facts:**

In 2016, plaintiff Andrew Rudnicki, 63, an attorney, was terminated by his employer, Farmers Insurance Exchange. Rudnicki was senior vice president of claims litigation.

Rudnicki had been a potential witness in a class-action lawsuit that alleged gender-based workplace discrimination at Farmers. Rudnicki had also claimed that he had been subjected to discrimination based on his age and a cardiovascular condition. Rudnicki's termination occurred shortly after Farmers had settled the class-action suit.

Rudnicki sued Farmers Insurance Exchange; its parent organizations, Farmers Group Inc. and Farmers Insurance Group; and several related entities, Fire Insurance Exchange, Truck Insurance Exchange, Zurich, Zurich Insurance, Zurich Insurance Co. and Zurich North America. The lawsuit alleged that Rudnicki was subjected to discrimination, retaliatory acts and a wrongful termination.

Farmers Insurance Group, Fire Insurance Exchange, Truck Insurance Exchange, Zurich, Zurich Insurance, Zurich Insurance Co. and Zurich North America were dismissed. The matter proceeded to a trial against Farmers Group and Farmers Insurance Exchange.

Rudnicki claimed that Farmers blamed him for the class-action lawsuit and that Farmers anticipated that he would reveal the company's pay practices if he testified.

The defense contended that Rudnicki was terminated for inappropriate comments and conduct with female co-workers, and for using poor judgment.

**Injury:**

Rudnicki worked for Farmers for 37 years prior to his termination. He claimed that he suffered emotional distress. He sought recovery of damages for past and future loss of earnings, damages for emotional suffering, and punitive damages.

**Result:**

The jury found that Farmers Group and Farmers Insurance Exchange did not discriminate against Rudnicki, but that he was subjected to retaliation and wrongfully terminated. The jury determined that Rudnicki's compensatory damages totaled \$5,413,344. It also determined that an officer, director and/or managing agent of at least one of the defendants acted with malice, oppression or fraud against Rudnicki and that Rudnicki was entitled to punitive damages.

The jury awarded \$150 million in punitive damages, which included \$75 million against Farmers Insurance Exchange and \$75 million in punitive damages against Farmers Group. Thus, Rudnicki's damages totaled \$155,413,344.

Andrew Rudnicki

\$ 3,413,344 Past Lost Earnings

\$ 1,000,000 Future Lost Earnings

\$ 1,000,000 noneconomic damages

\$ 75,000,000 punitive damages (Farmers Group)

\$ 75,000,000 punitive damages (Farmers Insurance Exchange)

**\$ 155,413,344 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Ruth Ann Kwan

**Trial Length:** 19 days

**Trial Deliberations:** 0

**Jury Vote:** 10-2

**Jury Composition:** 9 male, 3 female

**Post Trial:** Judge Ruth Kwan opined that the punitive damages were excessive. As such, the jury's punitive-damages award, \$150 million, was conditionally reduced to \$18.9 million, from \$150 million. If Rudnicki does not accept the reduction, a new trial will address punitive damages.

**Editor's Comment:** This report is based on information that was provided by plaintiff's counsel, and defense counsel for Farmers Group Inc. and Farmers Insurance Exchange. The remaining defendants' counsel were not asked to contribute.

**Writer** Priya Idiculla

**Columnist: Loss of reputation caused severe emotional distress**

**Type:** Verdict-Plaintiff

**Amount:** \$15,450,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):** • *mental/psychological* - anxiety; depression; emotional distress

**Case Type:** • *Employment* - Age Discrimination; Constructive Discharge; Disability Discrimination

**Case Name:** T.J. Simers v. Tribune Company, Tribune Media Net Inc., Tribune Interactive, Los Angeles Times, Los Angeles Times Communications LLC, Marc Duvoisin, Davan Maharaj, Frank McCourt, and Does 1 to 100, No. BC524471

**Date:** August 19, 2019

**Plaintiff(s):** • T.J. Simers (Male, 63 Years)

**Plaintiff Attorney(s):** • Carney R. Shegerian; Shegerian & Associates; Santa Monica CA for T.J. Simers  
• Nicholas C. Rowley; Carpenter, Zuckerman & Rowley; Beverly Hills CA for T.J. Simers  
• Courtney E. Rowley; Trial Lawyers for Justice, P.C.; Ojai CA for T.J. Simers  
• Astineh Arakelian; Shegerian & Associates; Santa Monica CA for T.J. Simers

**Plaintiff Expert(s):** • Warren Procci M.D., Ph.D.; Forensic Psychiatry; Pasadena, CA called by: Carney R. Shegerian, Nicholas C. Rowley, Courtney E. Rowley, Astineh Arakelian  
• Heather R. Halpern M.S.W., L.C.S.W.; Psychotherapy; South Pasadena, CA called by: Carney R. Shegerian, Nicholas C. Rowley, Courtney E. Rowley, Astineh Arakelian

**Defendant(s):**

- Tribune Co.
- Davan Maharaj
- Frank McCourt
- Marc Duvoisin
- Los Angeles Times
- Tribune Interactive
- Tribune Media Net Inc.
- Los Angeles Times Communications LLC

**Defense  
Attorney(s):**

- Linda Miller Savitt; Ballard, Rosenberg, Golper & Savitt, LLP; Encino, CA for Tribune Co., Tribune Media Net Inc., Tribune Interactive, Los Angeles Times, Los Angeles Times Communications LLC, Marc Duvoisin, Davan Maharaj, Frank McCourt
- Elsa Banuelos; Ballard, Rosenberg, Golper & Savitt, LLP; Encino, CA for Tribune Co., Tribune Media Net Inc., Tribune Interactive, Los Angeles Times, Los Angeles Times Communications LLC, Marc Duvoisin, Davan Maharaj, Frank McCourt

**Facts:**

In August 2013, plaintiff T.J. Simers, 63, a sports columnist for the Los Angeles Times, met with editor Davan Maharaj and managing editor Marc Duvoisin about a video interview with an NBA player during which Simers allegedly practiced unethical behavior. Simers was served a "final written warning" and allegedly told that he could only stay at the paper if he accepted a demotion from columnist to reporter and admitted to the ethical breach. Simers refused the demotion, and he claimed that he was forced to resign from his position.

Simers sued Maharaj; Duvoisin; and the operators of the newspaper, the Tribune Co., Tribune Media Net Inc., Tribune Interactive, the Los Angeles Times, and Los Angeles Times Communications LLC. Simers also sued the owner of the Los Angeles Dodgers, Frank McCourt. Simers alleged that the actions of Maharaj, Duvoisin, and the operators of the Los Angeles Times constituted age and disability discrimination and that the defendants constructively discharged him. He also alleged that the defendants forced him out of his position to silence his criticism of McCourt, who was friends with the publisher of the Los Angeles Times.

The matter ultimately continued against Los Angeles Times Communications only.

Simers, who suffers from complex migraine syndrome, contended that he had a 22-year track record of only positive performance reviews at the Los Angeles Times, but that in 2013, he collapsed from what was then diagnosed as a transient ischemic attack, or mini-stroke, while on the job. He claimed that after his collapse, he was discriminated against based on his age and disability and that he was served a "final written warning" in August 2013, just months after he suffered the mini-stroke, despite never being previously given any critical performance reviews.

Defense counsel argued that prior to being issued the final written warning, Simers was repeatedly spoken to about the tone and content of his columns, and asked to improve his grammar. Counsel also argued that asking Simers to write fewer columns a week did not qualify as a big demotion and that the paper wanted to keep Simers on staff, and did not terminate him or force him to quit.

On Nov. 4, 2015, a jury awarded Simers \$7.13 million in damages regarding the claims of both age discrimination and disability discrimination. However, the court granted defense counsel's motion for judgment notwithstanding verdict on the constructive termination claim but denied the motion regarding the discrimination claims. As a result, the damages verdict was set aside.

Both sides appealed the post-trial judgment.

The Court of Appeal agreed with, and completely affirmed, the trial judge's decision. The matter was then sent back to the trial court to have a jury decide the amount of noneconomic damages that should be awarded in regard to the adverse actions against Simers, including the demotion based on age and disability discrimination.

**Injury:**

Simers worked for the Los Angeles Times for 23 years, the last 13 years of which he was a featured "Page Two" columnist, and he continued to produce his popular column despite his health issues. During the retrial, Simers claimed that, during the time of his employment with the Los Angeles Times, he received 22 years of praise on his merits. He also claimed that in the month before he was hospitalized, the Los Angeles Times employment review stated that he was a "must read," but that after his hospitalization, he was demoted and told he was no longer a columnist. Simers claimed that he suffered emotional distress as a result of his treatment by the Los Angeles Times and that he ultimately decided to resign instead of being subjected to humiliation and further emotional distress. His family and other witnesses also testified about the debilitating loss to Simers' reputation and identity as a columnist.

Simers claimed that he was diagnosed with severe major depressive disorder.

The jury was instructed not to award any damages for Simers' decision to leave the newspaper or for the investigation that was performed, because the newspaper had a right to do an investigation. It was also instructed not to award noneconomic damages for anything caused by other physical ailments. In addition, the second trial did not include any economic damages or any damages for the constructive discharge, as those parts of the case were previously thrown out by the prior trial court judge and the Court of Appeal.

Simers sought recovery of noneconomic damages for his alleged emotional distress.

Defense counsel argued that Simers should only receive nominal damages.

**Result:**

The jury determined that Simers' noneconomic damages totaled \$15.45 million.

**Trial Information:****Judge:**

William A. MacLaughlin

**Demand:**

None

**Offer:**

\$500,000

**Editor's  
Comment:**

This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer**

Priya Idiculla



## Plaintiffs claimed employers fired them after cancer diagnosis

**Type:** Verdict-Plaintiff

**Amount:** \$7,630,725

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Case Type:**

- *Employment* - Retaliation; Wrongful Termination; Disability Discrimination
- *Discrimination* - Fair Housing Act

**Case Name:** Albert Garcia v. Seltzer-Doren Management Company Inc. dba Sierra Management; Seltzer-Doren Company & Affiliates; and Gresham Apartments Investors / Stephanie Garcia v. Seltzer-Doren Management Company Inc. DBA Sierra Management; Seltzer-Doren Company & Affiliates; and Gresham Apartments Investors, No. BC699421; BC699422

**Date:** August 09, 2021

**Plaintiff(s):**

- Albert Garcia, (Male, 54 Years)
- Stephanie Garcia, (Female, 0 Years)

**Plaintiff Attorney(s):**

- Carney R. Shegerian; Shegerian & Associates; Los Angeles CA for Albert Garcia,, Stephanie Garcia
- Anthony Nguyen; Shegerian & Associates; Los Angeles CA for Albert Garcia,, Stephanie Garcia
- Mark I. Lim; Shegerian & Associates; Los Angeles CA for Albert Garcia,, Stephanie Garcia

**Defendant(s):**

- Gresham Apartments Investors
- Seltzer-Doren Company & Affiliates
- Seltzer-Doren Management Company Inc.

**Defense Attorney(s):**

- Thomas G. Mackey; Jackson Lewis LLP; Los Angeles, CA for Seltzer-Doren Management Company Inc.
- Michael H. Brody; LightGabler; Camarillo, CA for Gresham Apartments Investors
- None reported; LightGabler for Seltzer-Doren Company & Affiliates

**Facts:**

In November 2017, plaintiff Albert Garcia, 54, a live-in apartment manager for an apartment building in Canoga Park, and his wife, plaintiff Stephanie Garcia, also a live-in apartment manager for the same apartment building, were terminated from their positions.

Mr. Garcia was previously diagnosed with thyroid cancer in March 2017. He underwent treatment, including radiation and surgeries, which required him to take time off from his management and to be provided with accommodations. However, he claimed that after he was accommodated and given a new schedule, the property owner and managers began to show their unhappiness with the situation and ultimately fired both him and his wife.

Mr. Garcia sued the property managers for the apartment building, Seltzer-Doren Management Co. Inc. (doing business as Sierra Management) and Seltzer-Doren Company & Affiliates; and the owner of the apartment building, Gresham Apartments Investors. Mr. Garcia alleged that the defendants' actions constituted disability discrimination (as a result of a medical condition) and retaliation in violation of the Fair Employment and Housing Act, resulting in his wrongful termination.

Ms. Garcia filed a separate suit against Seltzer-Doren Management, Seltzer-Doren Company & Affiliates and Gresham Apartments Investors, but the matters were ultimately consolidated.

Seltzer-Doren Company & Affiliates was ultimately dismissed from the case.

Plaintiffs' counsel contended that by September 2017, the defendants began to shun the couple and scrutinize their management, which continued until the Garcias were fired. Counsel asserted that the defendants began to discriminate against the Garcias after Mr. Garcia was diagnosed with his condition, and given accommodations and a new schedule, and that the defendants ultimately retaliated against the couple by terminating their employment, which resulted in the loss of their apartment.

Defense counsel disputed the Garcias' claims, and contended that the Garcias were terminated for legitimate business reasons.

**Injury:**

The Garcias claimed that in addition to losing their jobs, they lost their apartment, where they were living as part of their employment compensation. They alleged that as a result of the discrimination and retaliation, as well as a result of losing both their jobs and their home, they suffer from emotional distress.

The Garcias sought recovery of economic damages for their respective loss of earnings and noneconomic damages for their respective emotional pain and suffering. They also sought recovery of punitive damages as a result of the defendants' alleged outrageous conduct.

**Result:** On Aug. 3, 2021, the jury found in favor of the Garcias' claims. It determined that the Garcias' compensatory damages totaled \$2,380,725. The jury also determined that the Garcias' were entitled to punitive damages.

Two days later, on Aug. 5, 2021, the jury awarded the Garcias \$5.25 million in punitive damages. Thus, the Garcias' jury verdict award totaled \$7,630,725.

Stephanie Garcia

\$ 1,250,000 Punitive Damages

\$ 30,725 Compensatory Damages

**\$ 1,280,725 Plaintiff's Total Award**

Albert Garcia

\$ 4,000,000 Punitive Damages

\$ 2,350,000 Compensatory Damages

**\$ 6,350,000 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Richard L. Fruin

**Trial Length:** 0

**Trial  
Deliberations:** 0

**Editor's  
Comment:** This report is based on information that was provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Plaintiff claims company failed to accommodate for disability

**Type:** Verdict-Plaintiff

**Amount:** \$7,445,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Central, CA

**Injury Type(s):**

- *other* - aggravation of pre-existing condition
- *mental/psychological* - depression; emotional distress

**Case Type:**

- *Employment* - Failure to Accommodate; Disability Discrimination

**Case Name:** Maria Guadalupe Martinez v. Pharmavite LLC, No. BC671153

**Date:** April 04, 2023

**Plaintiff(s):**

- Maria Guadalupe Martinez, (Female, 45 Years)

**Plaintiff Attorney(s):**

- Carney R. Shegerian; Shegerian & Associates; Los Angeles CA for Maria Guadalupe Martinez
- Edwin Pairavi; Pairavi Law P.C.; Los Angeles CA for Maria Guadalupe Martinez
- Mark I. Lim; Shegerian & Associates; Los Angeles CA for Maria Guadalupe Martinez

**Defendant(s):**

- Pharmavite LLC

**Defense Attorney(s):**

- Tracey A. Kennedy; Sheppard, Mullin, Richter & Hampton LLP; Los Angeles, CA for Pharmavite LLC
- Tyler J. Johnson; Sheppard, Mullin, Richter & Hampton LLP; Los Angeles, CA for Pharmavite LLC
- Meagan Koontz; Sheppard, Mullin, Richter & Hampton LLP; Los Angeles, CA for Pharmavite LLC

**Facts:**

On March 16, 2016, plaintiff Maria Martinez, 45, who was a lead in Pharmavite LLC's packaging department, was provided work restrictions from her doctor after diagnosing her with injuries to her cervical, thoracic, lumbar and bilateral shoulder, as well as bilateral medial epicondylitis and bilateral carpal tunnel. She claimed that the company failed to consider whether job restructuring was possible for her position.

She did not return to work.

Martinez sued Pharmavite LLC, alleging disability discrimination, failure to engage in the interactive process and failure to create reasonable accommodations.

Martinez's counsel contended the company did not engage in an interactive dialogue to consider whether job restructuring was possible, and that the plaintiff's former position with the company did not require lifting over 15 pounds, repetitive bending/stooping, or forceful pushing/pulling, as it was supervisory in nature. Her counsel added that even if her position did call upon physical labor, the job could have been restructured to accommodate those restrictions for Martinez.

The company claimed that they had a phone call with Martinez on March 28, 2016, which was a sufficient interactive process, and that Martinez could not be accommodated.

**Injury:**

Martinez did not return to work at the company. Prior to the events, Martinez had major depressive disorder, both moderate and recurrent. She claimed the depression came back after the company's conduct. She sought mental health treatment briefly. Martinez claimed that she planned on retiring with the company, though she has since found employment with another company and is working now. Martinez sought recovery for her past and future lost earnings and her past and future emotional pain and suffering.

**Result:**

The jury found that Pharmavite LLC had failed to engage in the interactive process, and had failed to reasonably accommodate Martinez. She was awarded \$7,445,000.

Maria Martinez

\$ 305,000 Past Lost Earnings

\$ 40,000 Future Lost Earnings

\$ 2,300,000 Future Pain Suffering

\$ 4,800,000 Past Pain Suffering

**\$ 7,445,000 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Michelle Williams

**Trial Length:** 29 days

**Trial  
Deliberations:** 5 hours

**Jury Vote:** 12-0

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Plaintiff: Fired after on the job injury

**Type:** Verdict-Plaintiff

**Amount:** \$6,131,204

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, CA

**Injury Type(s):** • *mental/psychological* - depression; emotional distress

**Case Type:** • *Employment* - Wrongful Termination; Failure to Accommodate; Disability  
Discrimination

**Case Name:** Hekmatollah “Tony” Yosifi v. The Regents of the University of California, Associated Students of the University of California, Los Angeles and Cindy Bolton, No. BC724191

**Date:** December 05, 2023

**Plaintiff(s):** • Hekmatollah Yosifi, (Male, 57 Years)

**Plaintiff Attorney(s):** • Anthony Nguyen; Shegerian & Associates; Los Angeles CA for Hekmatollah Yosifi  
• Ani M. Akopyan; Akopyan Law Firm, A.P.C.; Burbank CA for Hekmatollah Yosifi  
• Max Levy; Shegerian & Associates; Los Angeles CA for Hekmatollah Yosifi

**Defendant(s):** • Cindy Bolton  
• The Regents of the University of California  
• Associated Students of the University of California

**Defense Attorney(s):** • Stephen E. Ronk; Gordon & Rees LLP; Los Angeles, CA for The Regents of the University of California, Associated Students of the University of California, Cindy Bolton  
• Daphne M. Anneet; Burke Williams & Sorensen LLP; Los Angeles, CA for The Regents of the University of California, Associated Students of the University of California, Cindy Bolton

**Facts:**

In June 2016, plaintiff Hekmatollah “Tony” Yosifi, 57, a division manager for the south campus of the University of California, Los Angeles, where he oversaw several restaurants that are run by the Associated Students of UCLA, was injured on the job and required accommodations for his ongoing restrictions. UCLA is governed by Regents of the University of California.

Yosifi’s injury led to various physical restrictions on how much he could lift, walk, pull, push and bend. His restrictions would change from time to time. Yosifi claimed he asked for additional help to avoid violating his restrictions after his department was left short-staffed by the vacancy of his operations manager, a role he had to fill, which included physical duties.

Regents had not filled that vacancy in the time Yosifi had worked there. Yosifi inquired about other forms of assistance if available. Yosifi alleged that, under his supervisor, Cindy Bolton, he was not accommodated before his restrictions became permanent, and he would subsequently continue to go unaccommodated.

Yosifi took a medical leave from April of 2018, until July of 2018. While on leave, Bolton and ASUCLA claimed they discovered inventory variances in Yosifi’s division, which led to their investigation into the matter and conclusion that Yosifi had engaged in inventory fraud. When Yosifi returned from his medical leave, he was informed of his termination in July of 2018.

Yosifi sued the Regents and Bolton. He alleged retaliation, in violation of the California Family Rights Act, disability discrimination, failure to engage in the interactive process, failure to accommodate, disability harassment and failure to prevent discrimination, harassment, or retaliation.

Yosifi alleged that, prior to the injury, he was overworked and understaffed. Yosifi claimed he was not informed of the investigation, nor was he interviewed about the issue, and claimed that he did not engage in any fraud, had no motive to engage in fraud and that the issues, if discussed, would have revealed that the matter related to miscommunication between him and his staff about the inventory process. Yosifi claimed that the termination was a pretext to get rid of him because of his disability and need for accommodations.

Defense counsel contended that Yosifi engaged in "intentional inventory fraud" so that he could allegedly boost his cost of sales and inventory numbers and look like a better performer.

**Injury:**

Following his termination, Yosifi alleged he had been unable to find and maintain subsequent employment. Additionally, he claimed to have had and continued to suffer from major depressive disorder and panic disorder. He did not want to seek counseling, however, as he could not afford to. He sought recovery for his past and future lost wages and his past and future emotional pain and suffering.



**Result:** The jury found for Yosifi on his claims and awarded him \$6,131,204.

Hekmatollah Yosifi

\$ 1,000,000 Future Pain Suffering

\$ 4,000,000 Past Pain Suffering

\$ 485,131 Past Lost Wages

\$ 646,073 Future Lost Wages

**\$ 6,131,204 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Wendy Chang

**Trial Length:** 14 days

**Trial  
Deliberations:** 1.5 days

**Jury Vote:** 11-1 (failure to engage in the interactive process), 11-1 (failure to accommodate), 11-1 (disability discrimination), 12-0 (disability harassment), 11-1 (CFRA retaliation), 12-0 (failure to prevent discrimination, harassment, or retaliation)

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Companies used inaccurate excuses to not accommodate worker: suit

<b>Type:</b>	Verdict-Plaintiff
<b>Amount:</b>	\$5,934,714
<b>State:</b>	California
<b>Venue:</b>	Los Angeles County
<b>Court:</b>	Superior Court of Los Angeles County, Los Angeles, CA
<b>Case Type:</b>	<ul style="list-style-type: none"><li>• <i>Employment - Failure to Accommodate; Disability Discrimination</i></li></ul>
<b>Case Name:</b>	Margarita Z. Ramirez, an individual v. World Oil Corp., a California corporation; Asbury Environmental Services, a California corporation; and Does 1-25, inclusive, No. 20STCV22351
<b>Date:</b>	April 22, 2022
<b>Plaintiff(s):</b>	<ul style="list-style-type: none"><li>• Margarita Z. Ramirez, (Female, 0 Years)</li></ul>
<b>Plaintiff Attorney(s):</b>	<ul style="list-style-type: none"><li>• Carney R. Shegerian; Shegerian &amp; Associates; Los Angeles CA for Margarita Z. Ramirez</li><li>• Eric A. Boyajian; Law Offices of Eric A. Boyajian; Glendale CA for Margarita Z. Ramirez</li></ul>
<b>Defendant(s):</b>	<ul style="list-style-type: none"><li>• World Oil Corp.</li><li>• Asbury Environmental Services</li></ul>
<b>Defense Attorney(s):</b>	<ul style="list-style-type: none"><li>• Thomas G. Mackey; Jackson Lewis LLP; Los Angeles, CA for World Oil Corp., Asbury Environmental Services</li><li>• Yvonne A. Fossati; Jackson Lewis LLP; Los Angeles, CA for World Oil Corp., Asbury Environmental Services</li></ul>
<b>Facts:</b>	In August 2018, plaintiff Margarita Ramirez, a collections specialist for the environmental management and collection companies Asbury Environmental Services and World Oil Corp., underwent surgery for an ongoing shoulder injury. She reported back to work in December 2018, but she had restrictions from her physician. Ramirez's restrictions included no repetitive reaching over her shoulder. no toraueing or repetitive toraueing

with her right hand, no repetitive power grasping or holding, and no lifting greater than 10 pounds. Her physician also requested that Ramirez had to take a 10-minute break after every hour of data entry. However, Ramirez claimed that the companies did not allow her to return to work and that, instead, they put her on an extended leave of absence.

Ramirez sued Asbury Environmental Services and World Oil Corp. She alleged that the companies' actions constituted disability discrimination, a failure to provide reasonable accommodation for her disability and a failure to engage in the interactive process.

Asbury Environmental Services was a subsidiary of World Oil, so, for the purposes of trial, the parties entered into a stipulation that the companies were Ramirez's joint employers.

Ramirez claimed that in December 2018, human resources told her that they had to see the doctor's note for her restrictions before she could come back to work and that she would be contacted after the note was seen. However, she claimed she did not hear back from human resources until March 2019, when human resources asked her what her job entailed and if she could do her job. Ramirez claimed that she told human resources that she could do her job and that she wanted to return to work, but she was again told that someone would contact her back. Ramirez alleged that in July 2019, she was again asked what her job entailed and whether she could do it and that she again informed human resources that she could do her job and wanted to return to work.

Ramirez's counsel contended that the head of human resources had already decided that Ramirez would not be returned to her position in January 2019 and that Ramirez would be placed on leave, as a temporary worker was hired for Ramirez's position and ultimately became a full-time employee in that position. Accordingly, counsel contended that from December 2018 onward, the companies unilaterally put Ramirez on extended leave of absence without telling her.

Defense counsel argued that the companies could not accommodate Ramirez's restrictions and that Ramirez was on an extended leave of absence because of that. Specifically, counsel contended that the companies could not accommodate Ramirez's restriction of no repetitive reaching over her shoulder because Ramirez would need to reach inside two cabinets that were on the top of Ramirez's cubicle. Counsel also contended that the companies could not accommodate Ramirez's restriction of no torquing or repetitive torquing with her right hand because Ramirez would need to move the mouse for her computer. Defense counsel further contended that Ramirez's restriction of no repetitive power grasping or holding could not be accommodated because it would interfere with Ramirez's job of going through documents and invoices, as she would have to grasp files. Counsel contended that Ramirez's restriction of no lifting greater than 10 pounds also could not be accommodated because Ramirez had to sometimes go into the storage room to get old files. In addition, defense counsel contended that the companies could not accommodate Ramirez's restriction of having to take a 10-minute break for every hour of data entry performed because it would reduce Ramirez's ability to perform.

In response, plaintiff's counsel argued that the defense's claims about Ramirez's restrictions were all pretext. Specifically, counsel argued that Ramirez's job did not include reaching above her shoulder and that Ramirez had no repetitive or power motion, or torqueing in her position. Plaintiff's counsel noted that a human resources specialist with the companies assumed that torqueing meant that Ramirez was turning in her chair, instead of twisting her wrist. Counsel also noted that Ramirez's shoulder injury developed around 2014 to 2016 and that Ramirez already had a restriction in place to take a break from entering data at those times. Counsel argued that because Ramirez already had a past accommodation to take breaks during data entry, that accommodation could have been continued after her surgery. Plaintiff's counsel further argued that all of the companies' documents and invoices were electronic and scanned into the system, so Ramirez would not have to physically hold them to access the information in them. In addition, counsel argued that Ramirez's supervisor did not allow collections specialists to enter the storage room and that file clerks would access the files, if needed, for collections specialists like Ramirez.

**Injury:**

Ramirez worked for World Oil and Asbury Environmental Services since 2001. She claimed that she was put on leave in December 2018 and that she suffered emotional distress as a result of dealing with the events. She also claimed that she was unable to obtain a part-time position in a similar job with a different company until 2021.

Ramirez sought recovery of past and future lost wages, and damages for her past and future emotional pain and suffering.

**Result:**

The trial was bifurcated. Phase I was tried on the matters of liability and damages, and Phase II was tried on the matter of punitive damages.

At the end of Phase I, the jury found in favor of Ramirez's claims. It determined that her compensatory damages totaled \$2,934,714. The jury also found that the defendants acted with malice, oppression and/or fraud in their conduct.

At the end of Phase II, the jury awarded Ramirez \$3 million in punitive damages, including \$1.5 million in punitive damages against World Oil Corp. and \$1.5 million in punitive damages against Asbury Environmental Services. Thus, Ramirez's recovery totaled \$5,934,714.

Margarita Ramirez

\$ 1,500,000 Punitive Damages against World Oil Corp.

\$ 1,500,000 Punitive Damages against Asbury Environmental Services

\$ 196,919 Future Lost Wages

\$ 1,300,000 Past Emotional Distress

\$ 1,300,000 Future Emotional Distress

\$ 137,795 Past Lost Wages

**\$ 5,934,714 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Daniel S. Murphy

**Trial Length:** 0

**Trial  
Deliberations:** 0

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## LAPD officer alleged retaliation following back surgery

**Type:** Verdict-Plaintiff

**Amount:** \$4,371,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):** • *mental/psychological* - emotional distress

**Case Type:** • *Employment* - Retaliation; Workplace Harassment; Failure to Accommodate; Disability Discrimination  
• *Discrimination* - Fair Housing Act

**Case Name:** Lou Vince v. City of Los Angeles and the Los Angeles Police Department, No. BC704165

**Date:** May 09, 2022

**Plaintiff(s):** • Lou Vince, (Male, 0 Years)

**Plaintiff Attorney(s):** • Matthew S. McNicholas; McNicholas & McNicholas LLP; Los Angeles CA for Lou Vince  
• Douglas D. Winter; McNicholas & McNicholas LLP; Los Angeles CA for Lou Vince

**Plaintiff Expert (s):** • Marianne Inouye M.B.A.; Economics; Pasadena, CA called by: Matthew S. McNicholas, Douglas D. Winter

**Defendant(s):** • City Of Los Angeles  
• Los Angeles Police Department

**Defense  
Attorney(s):**

- Susan J. Rim; Office of the City Attorney; Los Angeles, CA for City Of Los Angeles, Los Angeles Police Department
- James K. Autrey; Office of the City Attorney; Los Angeles, CA for City Of Los Angeles, Los Angeles Police Department

**Facts:**

On Feb. 10, 2015, plaintiff Lou Vince, who at the time was recently promoted to first lieutenant in the Los Angeles Police Department, underwent a spinal fusion surgery for a back injury he claims was sustained on the job. Vince alleges that in the weeks after his surgery, his commanding officer pushed him to come back to work full-time, promising that if he did, "they would find a light duty accommodation for you." Vince returned, expecting the light duty accommodation he says he was promised, but none was given.

He claimed this continued for weeks and months with Vince repeatedly asking for the accommodation and being met with no changes. Finally, when the specific light duty position that Vince says he'd originally been promised was given to someone else, Vince immediately complained to his commander that such a refusal to accommodate was discrimination because he had repeatedly asked for the accommodation.

After this, Vince claimed he was subjected to five years of retaliation, including multiple, short-term moves around the department, which Vince claimed was how the department marked an individual as "a problem child" that was not promotable. Vince claimed he was told that if he did not stop complaining, the career of his wife, who was also an LAPD officer, would be in jeopardy.

Vince sued his employer, the city of Los Angeles, and the Los Angeles Police Department, alleging violations of California's Fair Employment and Housing Act, including disability discrimination, failure to engage in the interactive process, failure to accommodate and retaliation.

Vince claimed that after he filed his lawsuit, despite being a lieutenant, he was moved to a position in the corner of his office, which he referred to as the "penalty box," for 18 months. During this time he had no subordinates, no duties and was having to take orders from a civilian who ranked below him. Vince testified he would retire early.

Defense counsel denied that Vince was retaliated against for complaining and that there were legitimate, non-discriminatory reasons for Vince's examples of retaliation.

**Injury:**

Vince claimed anxiety and emotional distress from the events. Due to his early retirement, Vince would forgo several years of salary and pension vesting. He sought recovery for his future lost wages and benefits and his past and future emotional pain and suffering.

**Result:**

The jury found for Vince on his claims and awarded him \$4,371,000.

Lou Vince

\$ 2,000,000 Past Emotional Distress

\$ 1,500,000 Future Emotional Distress

\$ 871,000 Future Lost Earnings

**\$ 4,371,000 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Stephen I. Goorvitch

**Trial Length:** 0

**Trial  
Deliberations:** 0

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla



## Fire chief targeted after medical leave: lawsuit

**Type:** Verdict-Plaintiff

**Amount:** \$4,145,595

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Central, CA

**Injury Type(s):** • *mental/psychological* - emotional distress

**Case Type:** • *Employment* - Retaliation; Whistleblower; Disability Discrimination  
• *Intentional Torts* - Intentional Infliction of Emotional Distress

**Case Name:** Larry Whithorn v City of West Covina, West Covina Fire Department, Tony Wu, Glenn Kennedy, Lloyd Johnson and David Carmany, No. 20STCV08916

**Date:** May 05, 2023

**Plaintiff(s):** • Larry Whithorn, (Male, 53 Years)

**Plaintiff Attorney(s):** • Anthony Nguyen; Shegerian & Associates; San Diego CA for Larry Whithorn  
• John M. David; Shegerian & Associates; San Diego CA for Larry Whithorn  
• Anna Olevsky; Shegerian & Associates; San Diego CA for Larry Whithorn

**Plaintiff Expert (s):** • Arsine C. Khayoyan Ph.D.; Economics; Glendale, CA called by: Anthony Nguyen, John M. David, Anna Olevsky

**Defendant(s):** • Tony Wu  
• David Carmany  
• Glenn Kennedy  
• Lloyd Johnson  
• City of West Covina  
• West Covina Fire Department

**Defense  
Attorney(s):**

- Thomas M. O'Connell; Buchalter; San Diego, CA for City of West Covina, West Covina Fire Department, Tony Wu, Glenn Kennedy, Lloyd Johnson, David Carmany
- Jennifer M. Misetich; Buchalter; Los Angeles, CA for City of West Covina, West Covina Fire Department, Tony Wu, Glenn Kennedy, Lloyd Johnson, David Carmany
- Natalie P. Bryans; Buchalter; Los Angeles, CA for City of West Covina, West Covina Fire Department, Tony Wu, Glenn Kennedy, Lloyd Johnson, David Carmany

**Defendant  
Expert(s):**

- Rod Gould Ed.M., M.P.A.; Local Government; Washington, DC called by: for Thomas M. O'Connell, Jennifer M. Misetich, Natalie P. Bryans
- Austin Nelson M.S.; Economics; Los Angeles, CA called by: for Thomas M. O'Connell, Jennifer M. Misetich, Natalie P. Bryans

**Facts:**

In 2017, plaintiff Larry Whithorn, 53, fire chief for the city of West Covina, claimed he began experiencing harassment after he spent roughly eight months on medical leave. Subsequently, in April 2019, Whithorn was terminated from his position. Whithorn claimed the West Covina Firefighters Association, through its then-president Matthew Jackson, engaged in various tactics to leverage a better union contract for the city's firefighters. According to Whithorn, those tactics included targeting him immediately after his medical leave with a vote of no confidence. Additionally, Whithorn noted that council member Tony Wu, who was endorsed by the union, helped to facilitate Whithorn's exit, which was finalized when new city manager, David Carmany, was appointed by a majority vote led by Wu.

Whithorn sued the city, the West Covina Fire Department, Wu; Glenn Kennedy, a commissioner who allegedly engaged in creating a hostile work environment by making comments about Whithorn's potential firing after his medical leave; Lloyd Johnson, a council member who had allegedly made ageist comments; and Carmany.

Whithorn alleged disability discrimination, disability retaliation, whistleblower retaliation and intentional infliction of emotional distress. Plaintiff's counsel noted that all the individual defendants were ultimately voluntarily dismissed prior to trial to streamline the case given that their alleged conduct still would implicate the city. The matter proceeded against the city only.

Whithorn claimed that he was targeted at work as well as on social media, with sudden calls for his firing. It was also reported to him that Wu had allegedly told the then-city manager Chris Freeland that Whithorn was an "absentee chief," who needed to be terminated, if not brought back from his medical leave.

Defense contended that Carmany made the decision without input from any inappropriate influence and relied upon observations that included a vote of no confidence against Whithorn from approximately two years prior, as well as allegations of poor performance and leadership.

**Injury:**

Whithorn worked for the city for nearly 30 years. He joined the department in 1991 as a firefighter and was promoted to fire chief in 2014. His goal was originally to retire as fire chief. Whithorn claimed emotional distress from the events and sought therapy in response to his termination. He sought recovery for his past and future lost earnings and his past and future emotional distress.

**Result:**

The jury found for Whithorn on his claims and awarded him \$4,145,595.

Larry Whithorn

\$ 990,103 Past Lost Earnings

\$ 587,643 Future Lost Earnings

\$ 587,643 Future Pain Suffering

\$ 1,980,206 Past Pain Suffering

**\$ 4,145,595 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Maurice A. Leiter

**Trial Length:** 9 days

**Trial Deliberations:** 8 hours

**Jury Vote:** 12-0 (disability discrimination), 12-0 (FEHA retaliation), 12-0 (failure to prevent), 12-0 (whistleblower retaliation), 11-1 (intentional infliction of emotional distress), 12-0 (every aspect of compensatory damages question, except for future non-economic), 11-1 (future non-economic damages)

**Editor's Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

**Plaintiff: No accommodations provided after back injury**

**Type:** Verdict-Plaintiff

**Amount:** \$2,700,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):** • *mental/psychological* - emotional distress

**Case Type:** • *Employment* - Age Discrimination; Wrongful Termination; Failure to Accommodate; Disability Discrimination

**Case Name:** John Quemada v. Cordoba Corporation, No. BC621735

**Date:** December 09, 2019

**Plaintiff(s):** • John Quemada (Male, 52 Years)

**Plaintiff Attorney(s):** • Keith D. Griffin; Girardi & Keese; Los Angeles CA for John Quemada  
• Ebby S. Bakhtiar; Livingston Bakhtiar; Los Angeles CA for John Quemada  
• Alexa F. Galloway; Girardi & Keese; Los Angeles CA for John Quemada

**Plaintiff Expert(s):** • Mark Falkenhagen; Valuation; Los Angeles, CA called by: Keith D. Griffin, Ebby S. Bakhtiar, Alexa F. Galloway  
• Shahab Mahboubian D.O.; Orthopedic Surgery; North Hollywood, CA called by: Keith D. Griffin, Ebby S. Bakhtiar, Alexa F. Galloway  
• Tamorah G. Hunt M.B.A., Ph.D.; Economics; Santa Ana, CA called by: Keith D. Griffin, Ebby S. Bakhtiar, Alexa F. Galloway

**Defendant(s):** • Cordoba Corp.

**Defense  
Attorney(s):**

- Kathleen M. Hartman; Callahan Thompson Sherman & Caudill LLP; Irvine, CA for Cordoba Corp.
- Lee A. Sherman; Callahan Thompson Sherman & Caudill LLP; Irvine, CA for Cordoba Corp.

**Defendant  
Expert(s):**

- Christian Emerson C.P.A.; Economics; Torrance, CA called by: for Kathleen M. Hartman, Lee A. Sherman

**Facts:**

On March 1, 2013, plaintiff John Quemada, 52, an assistant construction manager for Cordoba Corp., was demoted to an entry-level position and required to clean a construction site. He ultimately suffered a serious work-related injury to his back, resulting in disabilities. A year later, an impartial workers' compensation doctor selected by Cordoba determined that Quemada had suffered a 24 percent permanent disability, dictating permanent work restrictions that primarily impacted Quemada's ability to sit for prolonged periods of time. However, Quemada claimed that was told that no accommodations were available and that he was not going to be allowed back to work because of his disabilities. He claimed he attempted to call the director of human resources back, but she never returned his messages.

Quemada sued Cordoba Corp., alleging that the company's actions constituted wrongful termination in violation of public policy. He also alleged that the company's actions constituted a failure to engage in the interactive process, a failure to accommodate, disability discrimination, age discrimination and a failure to prevent discrimination, all in violation of the California Fair Employment and Housing Act.

Quemada claimed that by 2008, he was working for Cordoba's Long Beach Community College Bond Management Team, which was responsible for administering and overseeing the Long Beach Community College Modernization Program, but that he was falsely accused of chronic poor performance in March 2013, causing him to be abruptly demoted to an entry-level position. He alleged that he was actually demoted so that a new 30-year-old employee, who was willing to take less pay, could be promoted into his job. Quemada claimed that as a result of the demotion, he was required to clean a construction site, which took several weeks to accomplish and caused his back injuries.

Plaintiff's counsel contended that Quemada's demotion was not only a violation of Cordoba's own policy, which prohibited employees from engaging in manual labor, it also was a violation of the terms of Cordoba's contract with the Long Beach Community College District. Counsel also noted that, after Quemada's injury, Quemada filed a workers' compensation claim, which was the first workers' compensation claim brought against Cordoba in its long history. Plaintiff's counsel argued that after sustaining back injuries, Quemada required reasonable accommodations so that he could continue doing his job, but that the company neither engaged Quemada in the interactive process nor offered Quemada any accommodations other than a leave of absence. Counsel also argued that Cordoba's failure to accommodate Quemada aggravated Quemada's disabilities, resulting in multiple leaves of absence. During his last absence, Quemada was sent an email from Cordoba's human resources director stating that Quemada would not be allowed back to work unless he was able to perform "100 percent" of his job duties. Consequently, Quemada's doctors extended his leave of absence. After the workers' compensation finding, Cordoba admitted that it could have accommodated Quemada's permanent restrictions without any issues whatsoever. However, plaintiff's counsel contended that Quemada was never engaged in the interactive process and no

accommodations were ever offered to him. Counsel contended that, instead, the human resources director left Quemada a voice message informing him that no accommodations were available and that Quemada was not going to be allowed back to work because of his disabilities.

According to plaintiff's counsel, the claims notes from Cordoba's workers' compensation carrier revealed that the human resources director had reported that Quemada had suffered an injury after being asked to clean a construction site and showed that Cordoba accepted responsibility for Quemada's injuries and never challenged the validity of how he got hurt. Plaintiff's counsel also noted that the human resources director claimed that she had learned of Quemada's alleged decision not to return to Cordoba from the workers' compensation claims adjuster. However, counsel contended that the human resources director was repeatedly impeached by both her own deposition testimony and the testimony of various other witnesses, allegedly demonstrating that Quemada was never engaged in the interactive process and never offered any accommodations for his disabilities. The workers' compensation adjuster also testified to having never spoken to Quemada and that her claims notes documenting her communications with Cordoba showed that the human resources director had said that Quemada was going to be terminated because of his permanent disabilities.

Defense counsel contended that the workers' compensation adjuster was later impeached, admitting that the human resources director had never actually told her that Quemada was going to be terminated. The insurance adjuster explained that her notes were a summary of the conversation that she had with the human resources director and that she assumed that Cordoba would terminate the employee because the human resources director was uncertain of Cordoba's ability to accommodate Quemada's disabilities.

Defense counsel argued that during the entire time that Quemada was employed by Cordoba, Quemada received repeated written warnings that his computer skill and writing needed to improve and that Quemada did not make any improvements. Counsel also argued that, in 2013, it was necessary to make changes to job positions at the project, so Quemada was demoted. Defense counsel contended that after the demotion, Quemada's work continued to decline, so Quemada was placed on a performance improvement plan and told that if his performance did not improve, he would be terminated. Defense counsel argued that just 30 days before his performance was to be reviewed, Quemada stated that he was injured on the job. The injury was handled through workers' compensation. Counsel contended that, thereafter, Quemada only returned to work for short periods for more than a year and that when he did return to work, Cordoba allowed him to sit and stand as necessary to comply with his doctor's restriction. Counsel also contended that Quemada would take himself out of work and continually provide doctor's notes placing him out of work, but that Cordoba complied with all Quemada's doctor's notes. Defense counsel argued that, ultimately, Cordoba was told by the workers' compensation adjuster that Quemada did not want to return to work and that as a result, Cordoba's human resources person called Quemada to confirm that claim. Counsel contended that as a result, the human resources director left a voice message stating the purpose of the call and asking Quemada to call her back, but she claimed she never received a call back from Quemada. Further, defense counsel noted that Quemada was unable to produce his phone records at trial to demonstrate a call was made to the human resources director. In addition, defense counsel argued that Quemada also did not try to contact anyone else at Cordoba and that Quemada was actually looking for employment at the time of the events.

**Injury:**

Quemada was recruited and hired by Cordoba in April 2007. He claimed that from the date of his hire until early 2013, he received nothing but positive performance reviews as well as annual merit-based pay raises, which were only afforded to Cordoba's highest performing employees. By 2013, Quemada was earning just under \$92,000 annually. However, after he was terminated, Quemada claimed he was unable to find employment for approximately two full years, resulting in a loss of earnings of nearly \$185,000.

Quemada claimed he suffers from emotional distress stemming from his termination and inability to find work for two years.

Quemada sought recovery of \$185,000 in past lost earnings, an unspecified amount for future loss of earnings, and an unspecified amount of noneconomic damages for his past and future emotional distress. He also sought recovery of punitive damages for the alleged wrongful conduct of Cordoba and its managing agents.

Defense counsel noted that Quemada never sought counseling and that Quemada was on his wife's insurance, so he could have received counseling.

**Result:**

On Dec. 6, 2019, the jury found that Cordoba had failed to engage Quemada in the interactive process, failed to accommodate Quemada's disabilities, discriminated against Quemada because of his disabilities, failed to prevent such discrimination and wrongfully discharged Quemada in violation of public policy. However, it found that Quemada's age was not a substantial motivating reason for Cordoba's decision to discharge Quemada. The jury determined that Quemada's compensatory damages totaled \$1.2 million. It also determined that Cordoba and Cordoba's employees, officers, directors and/or managing agents acted with malice, oppression and/or fraud.

On Dec. 9, 2019, the jury awarded Quemada \$1.5 million in punitive damages. Thus, Quemada's jury award totaled \$2.7 million.

**John Quemada**

\$1,500,000 Personal Injury: Punitive Exemplary Damages

\$184,686 Personal Injury: past economic damages

\$1,015,314 Personal Injury: past non-economic damages

**Trial Information:**

**Judge:** Terry A. Green

**Demand:** \$1 million policy limit (C.C.P. § 998)



**Offer:** \$750,000

**Post Trial:** Plaintiff's counsel will be filing a motion for recovery of statutory attorney fees. Cordoba intends to appeal the verdict.

**Editor's Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Priya Idiculla

## Man said he was fired for reporting warehouse safety issues

**Type:** Verdict-Plaintiff

**Amount:** \$2,106,949

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):** • *mental/psychological* - emotional distress

**Case Type:** • *Employment* - Retaliation; Whistleblower; Race Discrimination; Wrongful Termination; National Origin Discrimination

**Case Name:** Jalandhar Bidye v. UMA Enterprises, Inc., No. BC717934

**Date:** May 19, 2022

**Plaintiff(s):** • Jalandhar Bidye, (Male, 0 Years)

**Plaintiff Attorney(s):** • Shannon H.P. Ward; The Aarons Law Firm, APC; Calabasas CA for Jalandhar Bidye  
• Martin I. Aarons; The Aarons Law Firm, APC; Calabasas CA for Jalandhar Bidye

**Plaintiff Expert (s):** • Karen Smith M.B.A.; Economics; San Marino, CA called by: Shannon H.P. Ward, Martin I. Aarons

**Defendant(s):** • UMA Enterprises, Inc.

**Defense Attorney(s):** • Todd R. Wulffson; CDF Labor Law LLP; Irvine, CA for UMA Enterprises, Inc.  
• Ashley N. Lopezello; CDF Labor Law LLP; Irvine, CA for UMA Enterprises, Inc.

**Defendant  
Expert(s):**

- Heather H. Xitco M.B.A., C.P.A., C.F.F.; Economics; San Diego, CA called by: for  
Todd R. Wulffson, Ashley N. Lopeztello

**Facts:**

On May 18, 2018, plaintiff Jalandhar Bidye, Indian American, who was a transportation manager for UMA Enterprises, Inc., was terminated from his position. The company is an importer of home goods from India and China that would be sold at other retailers.

UMA Enterprises was originally started in southern California by two Indian American men and grew in size over the years. The company was bought by an investment group, who replaced the then-CEO with a new CEO. In November 2017, Bidye filed a complaint with the new president and investors alleging that he believed they singled out Indian employees for termination. He said he filed the complaint when he noticed that long-term Indian employees retired, quit or were fired. In January 2018, Bidye complained again to Human Resources, both orally and in writing, that he thought there was discrimination in the workplace after numerous Indian male employees were allegedly forced to quit or were fired.

In April 2018 and then again in May 2018, Bidye complained about the company attempting to consolidate a 300,000-square foot warehouse with a 600,000-square foot warehouse by moving the smaller one into the bigger one. Bidye claimed there were safety issues with the status of the consolidation, including it being unsafe, a lack of space, stacking product too high, and a senior manager regularly riding a pallet jack for fun. Bidye also claimed the consolidation was not being well run, as well as possible illegal activities related to missing inventory and reports to the Internal Revenue Service.

Bidye claimed he made a complaint on May 13, 2018 about the warehouse move. He stated that, although he made the complaint anonymously and in Spanish by using a translation, he was fired four days later.

Bidye sued UMA Enterprises, Inc. Bidye alleged race/national origin discrimination, retaliation, and retaliation in violation of public policy. He had also pursued claims for age discrimination and religious discrimination, but those claims were dismissed on summary judgment.

Bidye claimed he was fired in retaliation for his complaints of discrimination, safety issues and possible illegal activity. Bidye also claimed he was terminated due to his race/national origin. According to Bidye, the new director of operations for the company told him that the new CEO of the company indicated that the CEO was trying to change the Indian culture at the company.

Defense counsel contended that Bidye's first and last complaints were anonymous and the company did not know it was him. The company claimed that Bidye had stated that everything was resolved when he met with the HR director in January 2018. The HR director said that, while Bidye believed there was discrimination, he had no evidence. The HR director also said she looked into any alleged discrimination and found no

discrimination happening.

Defense counsel contended there was no discrimination and Bidye did not get along with others, was a poor performer and was not adapting and growing with the new management. Defense counsel contended that the company retained other Indian employees, as well as other races, and denied that the CEO ever made a statement about Indian culture.

Bidye's counsel maintained that the defense attempted to portray Bidye as being upset that there were white people and not Indians in the new management.

**Injury:**

Bidye was terminated from his position on May 18, 2018. He had worked for the company since 2007. After his termination, Bidye was on disability for a year, but then started working for ride-share companies as a driver. He claimed emotional distress from the events, but had no counseling or expert therapist testify. Bidye's expert in economics testified about Bidye's past and future lost wages.

Bidye sought recovery for past and future lost wages and past and future emotional distress damages. Bidye also sought punitive damages due to the company's alleged conduct.

Bidye's counsel noted that the CFO of the company testified in the punitive damage phase of the trial that the company was more than \$265 million in debt, and, if it did not raise millions, it would have to file for bankruptcy and possibly close the business. Otherwise, the CEO testified, the company would need to lay off all or most of its employees.

Defense counsel contended that Bidye should have found work sooner than he did, and that Bidye's emotional distress stemmed from conflict he had with a coworker that started two years before his termination. Defense counsel also asserted that Bidye should not be awarded anything or, if he was awarded anything, it should be for lost wages for a few months.

The defense's expert in economics disputed Bidye's expert's numbers.

**Result:**

The jury found for Bidye on his claims of retaliation in violation of the Fair Employment and Housing Act and for his claim of wrongful termination in violation of public policy. The jury did not find for Bidye on his claim for race/national origin discrimination.

The jury determined that Bidye's damages totaled \$2,106,949. Although the jury found conduct constituting malice, oppression or fraud, it did not award Bidye any punitive damages.

Jalandhar Bidye

\$ 2,106,949 Past and Future Lost Wages and Benefits

**\$ 2,106,949 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Barbara M. Scheper

**Trial Length:** 0

**Trial Deliberations:** 0

**Post Trial:** Defense counsel noted that they had issues with the jury's findings, claiming that though the jury found retaliation, they believed it was related to Bidye's manager yelling at him and there was insufficient evidence to support a finding of retaliation for any protected activity, such as safety violations. Defense counsel claimed the jury seemed to be confused on this issue. Defense counsel also noted that the jury awarded 20 years of front pay, and nothing in emotional distress. Defense counsel further noted that the jury found malice, but awarded nothing in punitive damages, another area where counsel believed the jury was apparently confused with the general verdict form. A defense motion for judgment notwithstanding verdict was denied. Plaintiff will be filing a motion for attorney fees, as well as for costs as the prevailing party.

**Editor's Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Priya Idiculla

## Plaintiff claimed co-workers harassed her because of race

**Type:** Verdict-Plaintiff

**Amount:** \$1,576,146

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):** • *mental/psychological* - emotional distress

**Case Type:** • *Employment* - Race Discrimination; Workplace Harassment; Wrongful Termination; Hostile Work Environment

**Case Name:** Nicole Birden v. The Regents of the University of California and Does 1 to 50, No. BC663189

**Date:** August 06, 2019

**Plaintiff(s):** • Nicole Birden (Female, 45 Years)

**Plaintiff Attorney(s):** • V. James DeSimone; V. James DeSimone Law; Marina del Rey CA for Nicole Birden  
• Carmen D. Sabater; V. James DeSimone Law; Marina del Rey CA for Nicole Birden  
• Ryann E. Hall; Bohm Law Group; Marina del Rey CA for Nicole Birden

**Defendant(s):** • Regents of the University of California

**Defense Attorney(s):** • Stephen E. Ronk; Gordon & Rees LLP; Los Angeles, CA for Regents of the University of California  
• Erika L. Shao; Gordon & Rees LLP; Los Angeles, CA for Regents of the University of California  
• Raul F. Salinas; AlvaradoSmith; Los Angeles, CA for Regents of the University of California

**Facts:**

In June 2016, plaintiff Nicole Birden, a black phlebotomist, was terminated from her position at Ronald Reagan UCLA Medical Center, located on the campus of the University of California, Los Angeles, in Westwood, Los Angeles. Birden claimed that she was subjected to racial discrimination and harassment throughout her employment with UCLA, but that after she complained about her work environment, she was fired.

Birden sued the hospital's operator, The Regents of the University of California. She alleged that the Regents' actions constituted harassment, retaliation and discrimination based on her race; failure to prevent harassment and discrimination; and wrongful termination based on her race.

Birden claimed that since she began working at UCLA in 2015, she experienced bullying, harassment and discrimination because of her race. She claimed that her co-workers interfered with her work and harassed her because of her race. She also she claimed that co-workers frequently used the "N" word, made disparaging remarks about the color of her skin and racially stereotyped her in Spanish. Birden claimed that when she complained about the hostile work environment, no changes were made and that soon thereafter, she was fired in retaliation for making the complaint.

Defense counsel contended that Birden was terminated because of issues with her performance and not because of her race.

**Injury:**

Birden claimed that she suffered a loss of income and benefits. She claimed that while she now works for Kaiser Permanente, she has fewer benefits. She also claimed that as a result of her treatment while working at UCLA's medical center, she suffered from emotional distress, anxiety and depression. Birden sought counseling from her pastor for her alleged emotional distress.

Birden sought recovery of past and future economic damages for her lost earnings and benefits, and damages for her past and future emotional pain and suffering.

**Result:**

The jury found that race was not a motivating factor for Birden's termination. However, it also found that Birden was subjected to a hostile work environment and that the Regents failed to prevent the harassment that Birden suffered. The jury determined that Birden's damages totaled \$1,576,145.92.

**Nicole Birden**

\$190,034 Personal Injury: past economic loss

\$86,112 Personal Injury: future economic loss

\$500,000 Personal Injury: past emotional distress

\$800,000 Personal Injury: future emotional distress

**Trial Information:**

**Judge:** Michael L. Stern

**Demand:** \$1,400,000

**Offer:** \$250,000

**Trial Length:** 5 days

**Trial  
Deliberations:** 1 days

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla



## Police chief subjected staff to derogatory comments: lawsuit

**Type:** Verdict-Plaintiff

**Amount:** \$1,100,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):** • *mental/psychological* - emotional distress

**Case Type:** • *Employment* - Retaliation; Race Discrimination; Workplace Harassment; Religious Discrimination; Sexual Orientation Discrimination  
• *Government* - Municipalities

**Case Name:** Renato Moreno, Michael Foxen, Shan Davis and Dona Norris v. City of Beverly Hills, No. BC687003

**Date:** July 09, 2019

**Plaintiff(s):** • Shan Davis (Male, 51 Years)  
• Donna Norris (Female, 50 Years)  
• Michael Foxen (Male, 53 Years)  
• Renato Moreno (Male, 46 Years)

**Plaintiff Attorney(s):** • Bradley C. Gage; Goldberg & Gage; Woodland Hills CA for Renato Moreno, Michael Foxen, Shan Davis, Donna Norris  
• Terry M. Goldberg; Goldberg & Gage; Woodland Hills CA for Renato Moreno, Michael Foxen, Shan Davis, Donna Norris

**Plaintiff Expert (s):** • Charles M. Litman Ph.D.; Psychology/Counseling; Sherman Oaks, CA called by: Bradley C. Gage, Terry M. Goldberg  
• Michael Bostic; Police Practices & Procedures; Los Angeles, CA called by: Bradley C. Gage, Terry M. Goldberg

**Defendant(s):** • City of Beverly Hills

**Defense  
Attorney(s):**

- Brian P. Walter; Liebert Cassidy Whitmore; Los Angeles, CA for City of Beverly Hills
- Geoffrey S. Sheldon; Liebert Cassidy Whitmore; Los Angeles, CA for City of Beverly Hills

**Defendant  
Expert(s):**

- Kim Raney; Police Practices & Procedures; Covina, CA called by: for Brian P. Walter, Geoffrey S. Sheldon
- Bahar Safaei-Far Psy.D.; Psychology/Counseling; Tarzana, CA called by: for Brian P. Walter, Geoffrey S. Sheldon

**Facts:**

In March 2016, plaintiffs Renato Moreno, 46, a police lieutenant, Shan Davis, 51, a police lieutenant, Michael Foxen, 53, a police lieutenant, and Donna Norris, 50, a civilian employee and public safety communications and evidence manager, were each allegedly harassed by the new chief of police for the Beverly Hills Police Department, Sandra Spagnoli. They also alleged that Spagnoli made derogatory comments to them, and Moreno, Davis and Foxen claimed that Spagnoli retaliated against them.

Moreno, Davis, Foxen and Norris sued the city of Beverly Hills. They alleged that Spagnoli's actions constituted workplace harassment, retaliation, and age, race, religion and sexual-orientation discrimination. They also alleged that as her employer, the city was strictly liable for Spagnoli's actions.

Plaintiffs' counsel contended that Spagnoli made derogatory comments to Moreno, Davis, Foxen and Norris. Moreno claimed that Spagnoli made comments about his Hispanic heritage and Catholic faith. He also claimed that he was moved positions and was told inaccurate statements about recovering overtime pay. Norris claimed that Spagnoli made comments about her being a lesbian and a Christian, and Foxen claimed that he was denied a promotion. In addition, Davis claimed that he was Norris' supervisor and that because Norris is a lesbian, Spagnoli directed him to lower Norris' performance evaluation with no justification. Davis claimed that when he refused to lower Norris' score, Spagnoli signed the evaluation but refused to approve the pay for performance.

Defense counsel contended that the city investigated the comments and determined that Spagnoli did not make all of the alleged derogatory statements. Counsel also contended that the city's management reprimanded Spagnoli for her remarks and ordered Spagnoli to undergo sensitivity training. Defense counsel denied that any personnel action was taken for discriminatory or retaliatory reasons and that the city and Spagnoli had legitimate business reasons for all of their personnel decisions. In addition, Spagnoli denied she was racist, homophobic or prejudiced against anyone because of their religion.

**Injury:** Moreno, Davis, Foxen and Norris each claimed emotional distress as a result of their work environment. They also claimed that they each suffered damage to their reputation as part of the department.

Moreno, Davis, Foxen and Norris sought recovery of economic damages for the city's failure to promote them, and for their alleged diminished overtime opportunities and benefits.

During closing arguments, plaintiffs' counsel asked the jury to award Moreno, Davis, Foxen and Norris approximately \$23 million in total damages.

**Result:** The jury found that Moreno was subjected to retaliation and harassment, that Foxen was subjected to retaliation, and that Norris and Davis were subjected to harassment only. However, it also found that all four plaintiffs were not discriminated against by the city. The jury determined that the plaintiffs' damages totaled \$1.1 million, all for non-economic damages.

### **Shan Davis**

\$250,000 Personal Injury: Past Pain And Suffering

### **Michael Foxen**

\$250,000 Personal Injury: Past Pain And Suffering

### **Renato Moreno**

\$350,000 Personal Injury: Past Pain And Suffering

### **Donna Norris**

\$250,000 Personal Injury: Past Pain And Suffering

### **Trial Information:**

**Judge:** Elizabeth R. Feffer

**Trial Length:** 20 days

**Trial  
Deliberations:** 3.5 days

**Post Trial:** Plaintiffs' counsel has moved for recovery of fees and costs. Defense counsel has moved for judgment notwithstanding the verdict and for a new trial.

**Editor's Comment:** This report is based on information that was provided by plaintiffs' and defense counsel.

**Writer** Priya Idiculla

**Plaintiff: Job fired him rather than accommodate restrictions**

**Type:** Verdict-Plaintiff

**Amount:** \$1,050,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):** • *mental/psychological* - emotional distress

**Case Type:** • *Employment* - Retaliation; Wrongful Termination; California Labor Code; Failure to Accommodate; Disability Discrimination; California Family Rights Act

**Case Name:** Alejandro Gonzalez v. Swissport SA, LLC., Swissport USA, Inc., Swissport Cargo Services, L.P. and Janet Tatum, No. BC685391

**Date:** February 10, 2020

**Plaintiff(s):** • Alejandro Gonzalez (Male, 30 Years)

**Plaintiff Attorney(s):** • Twila S. White; Law Offices of Twila S. White; Los Angeles CA for Alejandro Gonzalez  
• Jason P. Fowler; PARRIS Law Firm; Lancaster CA for Alejandro Gonzalez  
• Khail A. Parris; PARRIS Law Firm; Lancaster CA for Alejandro Gonzalez

**Defendant(s):** • Janet Tatum  
• Swissport SA, LLC.  
• Swissport USA, Inc.  
• Swissport Cargo Services, L.P.

**Defense Attorney(s):** • Jose-Manuel A. De Castro; De Castro Law Group, P.C.; Burbank, CA for Swissport SA, LLC., Swissport USA, Inc., Swissport Cargo Services, L.P., Janet Tatum  
• David G. Larmore; De Castro Law Group, P.C.; Burbank, CA for Swissport SA, LLC., Swissport USA, Inc., Swissport Cargo Services, L.P., Janet Tatum

**Facts:** In January 2017, plaintiff Alejandro Gonzalez, a loader coordinator for Swissport, a global aviation services company that provides airport ground and cargo handling service, was terminated from his position.

Gonzalez previously suffered a thoracic aortic aneurysm while at work in September 2016. He was rushed to a hospital, and he ultimately underwent an open heart aortic valve surgery and was placed in a medically-induced coma for two weeks. Gonzalez was eventually released back to work with a weight-lifting restriction in January 2017. However, Gonzalez claimed that when he attempted to return to work with his restriction, he was terminated.

Gonzalez sued several of Swissport's business entities, including Swissport SA, LLC., Swissport USA Inc. and Swissport Cargo Services, L.P.; and Swissport's human resources supervisor, Janet Tatum. Gonzalez alleged that the defendants' actions constituted disability discrimination, failure to accommodate, failure to engage in the interactive process, retaliation and wrongful termination in violation of the California Family Rights Act and California Labor Code.

Several of the defendants were dismissed from the case, and the matter only continued against Swissport SA, LLC.

Swissport's counsel contended that Gonzalez voluntarily resigned from his position.

**Injury:** Gonzalez started work at Swissport as a loader in August 2005, and worked his way up to a flight coordinator. He claimed that his termination after working for the company for approximately 12 years caused him emotional distress.

Gonzalez sought recovery of damages for his past and future emotional pain and suffering.

**Result:** The jury found in favor of Gonzalez on his claims of disability discrimination, failure to provide reasonable accommodation, failure to prevent discrimination and violations of public policy. It determined that Gonzalez's damages totaled \$1.05 million.

### **Alejandro Gonzalez**

\$250,000 Personal Injury: past emotional distress

\$800,000 Personal Injury: future emotional distress

### **Trial Information:**

**Judge:** Rupert A. Byrdsong

**Demand:** None reported

**Offer:** \$35,000

**Trial Length:** 5 days

**Trial  
Deliberations:** 1.5 days

**Jury Vote:** 9-3

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel declined to contribute.

**Writer** Priya Idiculla

## Plaintiff claims he was fired due to his asthma

**Type:** Verdict-Plaintiff

**Amount:** \$1,025,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Central, CA

**Injury Type(s):** • *mental/psychological* - emotional distress

**Case Type:** • *Employment* - Retaliation; Wrongful Termination; Disability Discrimination

**Case Name:** Juan Carlos Bravo v. Huy Fong Foods Inc., Sergio Garcia and Luis Herrera, No. BC706093

**Date:** August 01, 2022

**Plaintiff(s):** • Juan Carlos Bravo, (Male, 0 Years)

**Plaintiff Attorney(s):** • Anthony Nguyen; Shegerian & Associates; Los Angeles CA for Juan Carlos Bravo  
• Bryan Kirsh; Shegerian & Associates; Los Angeles CA for Juan Carlos Bravo  
• Zachary Lynch; Shegerian & Associates; Los Angeles CA for Juan Carlos Bravo

**Plaintiff Expert (s):** • Anthony E. Reading Ph.D.; Psychology/Counseling; Beverly Hills, CA called by: Anthony Nguyen, Bryan Kirsh, Zachary Lynch

**Defendant(s):** • Luis Herrera  
• Sergio Garcia  
• Huy Fong Foods Inc.



**Defense  
Attorney(s):**

- Paul P. Cheng; Law Offices of Paul P. Cheng; Pasadena, CA for Huy Fong Foods Inc., Sergio Garcia, Luis Herrera
- David T. Ching; Law Offices of Paul P. Cheng; Pasadena, CA for Huy Fong Foods Inc., Sergio Garcia, Luis Herrera

**Defendant  
Expert(s):**

- Adrienne Meier Ph.D.; Psychology/Counseling; Pasadena, CA called by: for Paul P. Cheng, David T. Ching

**Facts:**

In June 2017, plaintiff Juan Bravo, a mixer at sriracha hot sauce maker Huy Fong Foods Inc.'s plant in Irwindale, was terminated from his position. Prior to his termination, Bravo claimed Huy Fong Foods had made changes to its ventilation system in response to a lawsuit brought by the city of Irwindale and its residents, regarding the facility fumes.

Bravo, who had previously been diagnosed with asthma, claimed he began experiencing difficulty with his breathing and raised several complaints about needing accommodation, including needing N95 face masks and transferring out of the mixing room, as he believed his asthma was aggravated when he was exposed to fumes from the chilies.

Bravo claimed he was denied the requests by his managers and that his managers also reprimanded him for doing so. According to Bravo, another manager called him lazy and criticized him regarding his asthma. Bravo believes he was terminated due to his asthma, his requests for accommodations, and his complaints.

Bravo sued Huy Fong Foods Inc., as well as supervisors Sergio Garcia and Luis Herrera. Garcia and Herrera were dismissed during trial. Bravo alleged claims for retaliation, wrongful termination, failure to engage in the interactive process and disability discrimination.

Defense counsel contended that Bravo was terminated for a legitimate business reason, as there was surveillance video of Bravo including ingredients that had spilled onto a dirty piece of cardboard into the sriracha sauce, instead of discarding the contaminated ingredients. Bravo admitted in his deposition that what he did was improper, but testified at trial that he was taught to do this in training by the company and claimed that other employees did the same thing without punishment.

The first phase of the trial included liability and damages, while the second phase would include punitive damages, if warranted.

**Injury:**

Bravo worked for the company since he was hired in September 2013. He was able to find other work following his termination. He sought recovery for his emotional distress from the subject events. Bravo also sought recovery for punitive damages for the actions of his supervisors.

**Result:** The jury found for Bravo on his claims and awarded him \$1,025,000 in past non-economic damages only. The jury did not find that punitive damages were warranted.

Juan Bravo

\$ 1,025,000 Past Emotional Distress

**\$ 1,025,000 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Terry Green

**Demand:** \$2,750,000

**Offer:** \$300,000

**Trial Length:** 0

**Trial  
Deliberations:** 0

**Post Trial:** Plaintiff's motion for attorney fees is pending.

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Officer discriminated against because of knee injury: lawsuit

**Type:** Verdict-Plaintiff

**Amount:** \$1,014,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):** • *mental/psychological* - emotional distress

**Case Type:** • *Discrimination* - Fair Housing Act  
• *Employment* - Disability Discrimination

**Case Name:** Malcolm Thomas v. City of Los Angeles and Chris Costley, No. BC416182

**Date:** August 15, 2019

**Plaintiff(s):** • Malcolm Thomas (Male, 35 Years)

**Plaintiff Attorney(s):** • Irving Meyer; Law Offices of Irving Meyer; Santa Monica CA for Malcolm Thomas  
• Anthony Nguyen; Shegerian & Associates; Santa Monica CA for Malcolm Thomas  
• Mark I. Lim; Shegerian & Associates; Santa Monica CA for Malcolm Thomas

**Plaintiff Expert (s):** • Anthony E. Reading Ph.D.; Psychology/Counseling; Beverly Hills, CA called by: Irving Meyer, Anthony Nguyen, Mark I. Lim  
• Tamorah G. Hunt M.B.A., Ph.D.; Economics; Santa Ana, CA called by: Irving Meyer, Anthony Nguyen, Mark I. Lim

**Defendant(s):** • Chris Costley  
• City of Los Angeles

**Defense Attorney(s):**

- Douglas L. Lyon; Office of the City Attorney; Los Angeles, CA for City of Los Angeles, Chris Costley
- Stacey Anthony; Office of the City Attorney; Los Angeles, CA for City of Los Angeles, Chris Costley
- Armella Allahyarian; Office of the City Attorney; Los Angeles, CA for City of Los Angeles, Chris Costley

**Defendant Expert(s):**

- James E. Rosenberg M.D.; Psychiatry; Woodland Hills, CA called by: for Douglas L. Lyon, Stacey Anthony, Armella Allahyarian

**Facts:**

In May 2008, plaintiff Malcolm Thomas, 35, a police officer for the Los Angeles Police Department, injured his knee while on duty. Thomas claimed that his sergeant, Chris Costley, held the injury against him and pressured him to work against the physical restrictions that made his knee injury worse. Thomas reported his claims to the internal affairs division. Four days later, Thomas' badge and gun were temporarily taken away and he was placed on medical leave.

Thomas sued Costley and the city of Los Angeles, alleging disability discrimination, retaliation and other claims.

The matter proceeded to trial, which resulted in the jury awarding Thomas \$705,804 on July 23, 2010. The city appealed the trial court judgment, and the Court of Appeal reversed the verdict. The matter was retried, but it resulted in a mistrial. The matter was then tried again, but there was a hung jury. The matter ultimately proceeded to a fourth trial, which was held in 2019. That trial only dealt with Thomas' claims of disability discrimination against the city.

The city's counsel contended that Thomas was not discriminated against and that all actions taken against Thomas were warranted.

**Injury:**

Thomas still works for the Los Angeles Police Department. During the period of 2012 to 2014, while the original trial was being appealed, Thomas was offered a desk job at the department. He returned to the Los Angeles police academy for a short period in 2016 before leaving again for his first assignment.

Thomas claimed that he suffered emotional distress as a result the discrimination he faced.

Defense counsel contended that the city offered Thomas a desk job in lieu of his officer position, but that Thomas declined to take the offer. As a result, defense counsel argued that Thomas' alleged loss of earnings should be offset due to Thomas' failure to mitigate his damages.

**Result:**

The jury found that Thomas was subjected to an adverse employment action that was substantially motivated by his disability. It further found that while Thomas' health or safety, or the health or safety of others, was also a substantial motivating reason for the city's actions, the city would not have made the same decision, based on that standing alone, if the city's decision was not also motivated by Thomas' disability. The jury determined that Thomas' damages totaled \$1,014,000.

**Malcolm Thomas**

\$714,000 Personal Injury: past economic loss

\$300,000 Personal Injury: past noneconomic loss

**Trial Information:**

**Judge:** Victor E. Chavez

**Trial Length:** 19 days

**Trial  
Deliberations:** 2.5 days

**Jury Vote:** 10-2

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

**Plaintiff: New position contradicted work restrictions**

**Type:** Verdict-Plaintiff

**Amount:** \$1,000,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Central, CA

**Injury Type(s):** • *mental/psychological* - emotional distress

**Case Type:** • *Employment* - Failure to Accommodate

**Case Name:** Vincent Albano v. city of Los Angeles, No. 20STCV35354

**Date:** November 28, 2022

**Plaintiff(s):** • Vincent Albano, (Male, 0 Years)

**Plaintiff Attorney(s):** • Matthew S. McNicholas; McNicholas & McNicholas, LLP; Los Angeles CA for Vincent Albano  
• Douglas D. Winter; McNicholas & McNicholas, LLP; Los Angeles CA for Vincent Albano

**Plaintiff Expert (s):** • Marianne Inouye M.B.A.; Economics; Pasadena, CA called by: Matthew S. McNicholas, Douglas D. Winter,

**Defendant(s):** • City of Los Angeles

**Defense Attorney(s):** • Casey T. Shim; Office of the City Attorney; Los Angeles, CA for City of Los Angeles  
• Christopher Cadena; Office of the City Attorney; Los Angeles, CA for City of Los Angeles

**Facts:**

In 2004, plaintiff Vincent Albano, a police officer for the Los Angeles Police Department, was diagnosed with chronic fatigue syndrome. He was placed on light duty with work restrictions which limited him to work during daytime hours only; additionally, Albano was assigned to the detective unit, where he felt he thrived for 14 years. Subsequently, in December 2018, Albano was notified for the first time that because of the work restrictions, he could not work “full duty” and therefore had to retire. He disputed this with the department, citing the LAPD’s own internal policy which said that if one’s permanent restrictions began before 2008, they were grandfathered in and would be permanently accommodated.

According to Albano, the department then stepped back from telling him to retire, but eliminated his position within the detective unit and assigned him back to patrol, and ordered him to work nights. Upon learning of this change, Albano raised the issue to his supervisors that the new position directly conflicted with his work restrictions. His immediate supervisor, a lieutenant, is alleged to have told Albano that she understood and that she had a position for him that would accommodate him, but that the captain said that Albano would not be accommodated because the captain claimed Albano was faking his diagnosis. Albano then put in his retirement paperwork.

Albano sued the city of Los Angeles, alleging failure to accommodate and failure to engage in the interactive process.

The defense contended that because Albano retired so quickly after learning what his captain was alleged to have said, Albano did not give the LAPD the chance to engage in the interactive process.

**Injury:**

Albano claimed emotional distress from the events, while conceding that he did not require counseling. Albano also claimed he was forced to use his earned sick leave until June 22, 2019 and when he ran out of sick leave he claims he was left with no other option but to retire. He sought recovery for his lost earnings, as well as for his past and future non-economic losses.

**Result:**

The jury found in favor of Albano and awarded him \$1 million.

Vincent Albano

\$ 300,000 Future Pain Suffering

\$ 700,000 Past Pain Suffering

**\$ 1,000,000 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Maurice A. Leiter

**Trial Length:** 0

**Trial  
Deliberations:** 0

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla



## Plaintiff: Not promoted due to reporting violations

**Type:** Verdict-Plaintiff

**Amount:** \$603,609

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):** • *mental/psychological* - emotional distress

**Case Type:** • *Employment* - Retaliation; Whistleblower; Age Discrimination; Race Discrimination; California Labor Code  
• *Discrimination* - Fair Housing Act

**Case Name:** Dr. Timothy Jang v. county of Los Angeles, No. BC587400

**Date:** August 30, 2023

**Plaintiff(s):** • Timothy Jang, (Male, 41 Years)

**Plaintiff Attorney(s):** • Lawrance A. Bohm; Bohm Law Group, Inc.; Sacramento CA for Timothy Jang  
• Kelsey K. Ciarimboli; Bohm Law Group, Inc.; San Diego CA for Timothy Jang  
• Brandon P. Ortiz; Ortiz Law Office, Inc.; Santa Monica CA for Timothy Jang

**Plaintiff Expert (s):** • Charles R. Mahla Ph.D.; Economics; Gold River, CA called by: Lawrance A. Bohm, Kelsey K. Ciarimboli, Brandon P. Ortiz

**Defendant(s):** • County of Los Angeles

**Defense Attorney(s):** • David J. Weiss; David Weiss Law; Los Angeles, CA for County of Los Angeles  
• Nicholas A. Weiss; David Weiss Law; Los Angeles, CA for County of Los Angeles

**Facts:** In 2004, plaintiff Dr. Timothy Jang, 41, began working for the county of Los Angeles in connection with his simultaneous employment at the University of California, Los Angeles.

Angeles as an assistant professor of emergency medicine. In 2008, Jang was recruited from Olive View-UCLA medical center to join the medical staff at Harbor-UCLA Medical Center in Torrance as the director of emergency ultrasound service. Jang would also serve as the emergency ultrasound fellowship program director.

Jang selected, trained, taught and mentored physicians seeking fellowship level instruction in ultrasound. As a term of hiring, Jang claimed he was promised a minimum of one shift-relief credit for any year he had at least one doctor enrolled in the emergency ultrasound fellowship. This promise was specifically included in Jang's offer letter. According to Jang, no other physician employed at Harbor had any such promise in their hiring letter. "Shift-relief" reduces the number of mandatory clinical emergency room shifts assigned to each faculty member in exchange for additional administrative work from assignment of non-clinical duties, like directing a fellowship.

Emergency medicine faculty work 40 hours per week in a mix of clinical and administrative time depending on administrative responsibilities, if any. From 2008 until present day, Jang has reportedly received positive performance evaluations for his work at Harbor. Jang also received all workforce wide raises and benefits of employment.

Regarding UCLA only, Jang received all faculty related promotions, progressing from assistant professor to full professor. In 2013, Roger Lewis was internally promoted to be the emergency department chair. Within a month of Lewis's promotion, Jang reported alarming problems with the ultrasound equipment, including outdated and broken machines, dangerously few operational machines and failure to maintain records sufficient for Medicare compliance.

Thereafter, Jang claimed he was targeted by Lewis for negative treatment in the workplace. Initially, Jang says Lewis threatened to remove all ultrasound machines if Jang continued to report problems. Jang claims Lewis pressured him to cease reporting the ultrasound issues because the problems were, "Never going to be fixed."

In October 2013, Jang submitted a "sentinel event" report to Lewis regarding a workplace injury to a patient's visiting family member who slipped in a "mountain of alcohol foam" on the floor and suffered a dislocated elbow. The elbow went untreated for seven hours after orthopedic residents' repeatedly failed attempts to put the elbow back in place.

Jang specifically complained that the treatment was "below the standard of care." One month later, when Jang attempted to hire fellowship candidates in November 2013, Jang alleges Lewis commented that he did not want Jang to hire any "foreign doctors." This comment was disturbing to Jang because Lewis was reportedly outspoken that candidates from historically black colleges were "weaker" than candidates from other U.S. programs. At the time, the list of applicants had no candidates educated outside of the U.S.

The only "foreign" attribute of the candidates was the ostensibly foreign sounding names of all the applicants save one who had an Anglo-Saxon last name. As instructed, Jang submitted three applicants for a final interview with Lewis, all were said to be top rated candidates from prestigious U.S. medical schools.

Lewis ignored numerous requests to interview the remaining candidates who ultimately were forced to choose other fellowship programs. As a result, Jang was not able to have an additional fellow for the 2014/2015 school year.

Although Jang had a returning fellow, he normally would have two fellows each year instead of only one. In January 2014, Jang attended an emergency department faculty meeting led by Lewis. The meeting was audio-recorded. During the meeting Lewis commented that he had "tremendous advantage as an old white male" as compared to others in the department. Lewis then asked another "old white male" physician to confirm his belief. Some doctors at the meeting laughed at the comment. Jang did not. Instead, Jang obtained the recording of the meeting and later complained to both UCLA and the county of Los Angeles about the comment which he felt was improper.

In April 2014, Lewis announced that “shift-relief” would no longer be provided to fellowship directors to offset the additional work associated with the position. This change in policy only impacted Jang because he was the only non-vice chair fellowship director. This change also conflicted with Jang’s employment offer letter, which included one shift-relief so long as he had a fellow enrolled in his program.

Jang immediately complained about what he alleged was discriminatory treatment and unfair changing of his terms and conditions of employment to no avail. During meetings with Lewis about the new “no shift-relief” policy, Lewis suggested that he “could” eliminate the fellowship altogether, such that Jang had no basis for shift relief. Jang brought the issue to his union, United Association of Physicians and Dentists and the grievance process followed.

In September 2014, Lewis served as the grievance officer over his own decision and concluded he did nothing wrong. During the hearing, Lewis allegedly threatened to pull funding for Jang’s ultrasound fellowship program if he did not withdraw his grievance. Jang’s union representative, Jake Baxter, immediately reported the threat to county of Los Angeles human resources and the chief medical officer of Harbor as unlawful retaliation and bullying. After allegedly being threatened at the grievance hearing, Jang complained about race discrimination and retaliation by Lewis. Jang specifically reported the “old white male” comment to numerous leaders at the county and UCLA. The same month Jang also appealed his grievance to the next step. The following month in October 2014, Jang learned that Lewis would no longer fund a second fellow based on a new policy that “only one ultrasound fellow” was needed. This move precisely corresponded to the threat made by Lewis a month earlier. In response, Jang wrote detailed complaints about his medical whistleblower concerns, race discrimination and retaliation. These letters were sent to the county equity office and president of Harbor Medical Center. Lewis was notified of these complaints in November 2014. In January 2015, Jang and his representative attended the final step of the grievance process. The hearing officer had been the same man who had promoted Lewis into his position as chair, causing Jang to suspect bias.

Jang was informed that his equity concerns about race and retaliation would not be considered. The process concluded without any discussion of compromise. The grievance was summarily denied. Following the denial of his grievance, Jang was passed over for promotion to senior physician. According to Jang, historically promotion to senior physician was awarded based on seniority with the county of Los Angeles.

In March 2015, a senior physician retired leaving a vacancy and opportunity for promotion. Without any announcement and contrary to the “seniority” based process, Lewis gave the promotion to a physician who was eight years less senior than Jang. Jang learned of this promotion many months after it happened.

In September 2015, another senior physician retired, leaving a second vacancy and promotional opportunity. Once again, Jang was passed over for promotion for a less senior doctor with 10 years less seniority. Jang did not learn about this promotion until discovery from litigation which commenced in August 2015.

In November 2015, another senior physician retired. Jang was passed over again in favor of a doctor that was new to the county. Jang learned of the promotion from the doctor given the position after he asked Jang about the benefits of the senior position, which he assumed Jang possessed due to his long seniority.

In December 2015, Jang was encouraged to apply for another senior physician opening by Lewis’ administrative assistant. When Jang applied, he was told that a “new policy” was just instituted whereby the item would only go to people managing numerous employees. Jang never received any promotion to senior physician.

Jang sued the operator of Harbor, the county of Los Angeles. He alleged retaliation under

the Fair Employment and Housing Act and whistleblower retaliation under Labor Code section 1102.5.

The county asserted that all conduct by Lewis was not intended to be racially insensitive or retaliatory. Further, the county asserted that Jang pursued his reports as a ploy to get money and not because he cares about patients or his fellowship. The county also asserted that all actions were within its inherent judgment and power to manage its workforce. The county lauded Lewis as a legend committed to diversity and patient safety. Plaintiff's counsel noted that the court excluded complaints from other doctors also alleging medical whistleblower retaliation and misogynistic comments (such as referring to a female gynecologist named "Dr. Brotherton" as "Dr. Beaverton.")

**Injury:** Jang sought recovery for the cost of the failure to promote him, which was approximately \$50,000 in additional annual compensation. Jang also sought recovery for the mild emotional distress he experienced from the retaliation. His wife and mother both testified to the sleep disturbance and anxiety caused by the retaliation.

**Result:** The jury found for Jang on his claims. The jury found that Jang reported unlawful discrimination/retaliation and disclosed Medicare reporting violations and the county retaliated against Jang because of his reports. The jury found for Jang on all claims and denied the county's same decision affirmative defense. The jury awarded Jang \$603,609.

Timothy Jang

\$ 342,038 Past Lost Earnings

\$ 111,571 Future Lost Earnings

\$ 50,000 Future Pain Suffering

\$ 100,000 Past Pain Suffering

**\$ 603,609 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Jon R. Takasugi

**Trial Length:** 0

**Trial** 0  
**Deliberations:**

**Post Trial:** Plaintiff will also be seeking equitable relief from the court to award Jang the senior physician role and reinstate his shift-credit. Plaintiff anticipates post-judgment interest and approximately \$1.5 million or more in attorney fees and costs.

**Editor's Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Plaintiff alleged hostile work environment caused early retirement

**Type:** Verdict-Plaintiff

**Amount:** \$257,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):** • *mental/psychological* - emotional distress

**Case Type:** • *Employment* - Retaliation; Whistleblower; Race Discrimination; Hostile Work Environment

**Case Name:** Harold Winston v. County of Los Angeles; and Does 1-10, inclusive, No. 19STCV28021

**Date:** November 24, 2021

**Plaintiff(s):** • Harold Winston, (Male, 50 Years)

**Plaintiff Attorney(s):** • Michael J. Curls; Law Office of Michael J. Curls; Los Angeles CA for Harold Winston  
• Nichelle D. Jordan; Law Office of Michael J. Curls; Los Angeles CA for Harold Winston

**Defendant(s):** • County of Los Angeles

**Defense Attorney(s):** • George E. Peterson; Peterson Bradford Burkwitz; Burbank, CA for County of Los Angeles

**Facts:**

In 2008, plaintiff Harold Winston, a black, supervising deputy in his 50s with the title of Public Administrator I, complained that black employees in the Los Angeles County Tax Collector's office, particularly males, were not given the same promotional opportunities and were disciplined more harshly than others. He also complained that he found an implicit bias training program racially offensive. Winston claimed that after making the complaints, he was issued a 10-day suspension. He also claimed that he was micromanaged, given suspensions and otherwise subjected to a hostile work environment after he made his initial complaints in 2008. In addition, he claimed that he was issued a 20-day suspension in 2013 in retaliation for his complaint about management attempting to cover up a senior manager's misappropriation of assets.

Winston sued his employer, the county of Los Angeles. He alleged that the county's actions constituted racial discrimination and whistleblower retaliation.

Winston claimed that he was subjected to a hostile work environment since making his initial complaints about racial discrimination. He alleged that since 2008, he was micromanaged and issued suspensions and that at one point, he was asked to sign a performance evaluation that he did not agree with. He claimed that when he refused, his supervisor made a "Juneteenth" reference in an attempt to bully him into signing the evaluation. Winston claimed that when he complained about the incident, the supervisor was offended that anyone would think he was racist, so the supervisor tried to have him disciplined for making the complaint. However, instead, the supervisor was suspended as a result of Winston's complaint. In addition, Winston claimed that when he complained that management was attempting to cover up the misappropriation of assets by a senior manager with the office of the County of Los Angeles Department of Treasurer and Tax Collector, he was retaliated against by being issued a 20-day suspension in 2013. Thus, plaintiff's counsel argued that Winston was discriminated against based on his race, was subjected to a hostile work environment, and was retaliated against for being a whistleblower.

The county's counsel argued that Winston was not discriminated against based on his race nor subjected to a hostile work environment. Counsel also denied there was any cover-up of the misappropriation of the funds.

**Injury:**

Winston worked for the county for 30 years. He claimed the hostile work environment at the subject office became unbearable and negatively impacted his health. Specifically, he claimed that a combination of anxiety and depression manifested in physical ailments. He alleged that as a result, he ultimately chose to retire from his position, though earlier than he had wanted.

Winston sought recovery for his past and future loss of earnings, and past and future emotional and physical pain and suffering.

**Result:**

The jury found that Winston was not discriminated against based on his race. However, it found that Winston was retaliated against for engaging in a protected activity. The jury determined that Winston's damages totaled \$257,000.

Harold Winston

\$ 5,000 Emotional Distress

\$ 252,000 Past Lost Wages

**\$ 257,000 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Gregory W. Alarcon

**Trial Length:** 7 days

**Trial  
Deliberations:** 4 hours

**Jury Vote:** 11-1 (whistleblower retaliation)

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla



## Suit: Owner refused to send employee to doctor after injury

**Type:** Verdict-Plaintiff

**Amount:** \$210,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Norwalk, CA

**Injury Type(s):** • *mental/psychological* - emotional distress

**Case Type:** • *Civil Rights* - ADA  
• *Discrimination* - Fair Housing Act  
• *Employment* - Wrongful Termination; Failure to Accommodate; Disability Discrimination

**Case Name:** Amada Cordero v. Catwalk to Sidewalk Inc., a California corporation, and Robin K. International Inc., a California corporation, No. VC066042

**Date:** September 26, 2019

**Plaintiff(s):** • Amada Cordero (Female, 47 Years)

**Plaintiff Attorney(s):** • Richard A. Apodaca; Rodriguez Apodaca Law Firm LLP; Ontario CA for Amada Cordero  
• Christopher E. Gavriiliuc; Rodriguez Apodaca Law Firm LLP; Ontario CA for Amada Cordero

**Plaintiff Expert(s):** • Joanne Lister N.P.; Nursing; Upland, CA called by: Richard A. Apodaca, Christopher E. Gavriiliuc

**Defendant(s):** • Catwalk to Sidewalk Inc.  
• Robin K. International Inc.

**Defense  
Attorney(s):**

- Jay Hong; LPL Lawyers; Los Angeles, CA for Catwalk to Sidewalk Inc., Robin K. International Inc.
- Samuel C. Jeon; LPL Lawyers; Los Angeles, CA for Catwalk to Sidewalk Inc., Robin K. International Inc.

**Facts:**

In July 2015, plaintiff Amada Cordero, 47, a design assistant for Robin K., a fashion design company in Vernon, was terminated from her part-time position.

Cordero claimed that prior to her firing, she sustained a repetitive-work injury to her wrists and that she reported the injury to the company's supervisors and owners. She also claimed that she received medical treatment for her injury and was given a doctor's note that listed her medical restrictions. However, Cordero claimed that when she provided the doctor's note to her employer and asked to be placed on light duty, she was terminated the next day.

Cordero sued the operators of Robin K., Catwalk to Sidewalk Inc. and Robin K. International Inc. Cordero alleged that the defendants' actions constituted disability discrimination, a failure to accommodate, a failure to engage in the interactive process, retaliation, and a failure to prevent discrimination, all in violation of the Fair Employment and Housing Act. She also alleged that she was wrongfully discharged in violation of public policy.

Robin K. International Inc. was ultimately dismissed from the case.

Plaintiff's counsel contended that the owner of the company repeatedly refused to send Cordero to a doctor, despite knowing that Cordero was injured in the workplace and that the owner knew employees had a right to workers' compensation benefits to see a doctor immediately upon notice of a workplace injury, but that no reasonable steps were taken by the employer or owner to do that for Cordero before terminating her employment. Counsel also contended that Cordero's doctor's note expressly stated that Cordero should be sent to a workers' compensation doctor.

Defense counsel denied that Cordero was ever injured, but contended that despite that belief, Cordero was provided with medical care and accommodations in accordance to her alleged injury. Counsel also contended that Cordero was never terminated and that Cordero was provided with an accommodation of leave. In addition, defense counsel contended that, during depositions and at trial, Cordero acknowledged receiving both medical care and accommodations.

**Injury:**

Cordero was employed for approximately five years with the company before she was terminated. She claimed she suffers from emotional distress as a result of the incidents and her termination.

Cordero sought recovery of general damages for her past and future emotional pain and suffering. She also sought recovery of punitive damages, claiming that the company owner's behavior constituted malice and oppression.

**Result:** The jury found that Catwalk to Sidewalk, by and through the owner, engaged in conduct that was malicious and oppressive, and in conscious disregard to the health and safety of Cordero, including her right to see a doctor. The jury determined that Cordero's damages totaled \$210,000, including \$160,000 in general damages and \$50,000 in punitive damages.

**Amada Cordero**

\$50,000 Personal Injury: Punitive Exemplary Damages

\$160,000 Personal Injury: Past Pain And Suffering

**Trial Information:**

**Judge:** Brian F. Gasdia

**Trial Length:** 8 days

**Trial  
Deliberations:** 5.5 hours

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Priya Idiculla

## Defense claimed manager fired for unprofessional conduct

**Type:** Verdict-Defendant

**Amount:** \$0

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *mental/psychological* - emotional distress

**Case Type:**

- *Employment* - Retaliation; Race Discrimination; Wrongful Termination
- *Intentional Torts* - Defamation

**Case Name:** Mason McConn v. UPS Cartage Services Inc., UPS Supply Chain Solutions Inc., United Parcel Service Inc., Pedro Flores and Gerald Yee, No. BC717923

**Date:** March 11, 2020

**Plaintiff(s):**

- Mason McConn (Male, 44 Years)

**Plaintiff Attorney(s):**

- J. Bernard Alexander, III; Alexander Krakow + Glick LLP; Los Angeles CA for Mason McConn

**Defendant(s):**

- Gerald Yee
- Pedro Flores
- UPS Cartage Services Inc.
- United Parcel Service Inc.
- UPS Supply Chain Solutions Inc.

**Defense Attorney(s):**

- William B. Hill, Jr.; Seyfarth Shaw LLP; Atlanta, GA for UPS Cartage Services Inc., UPS Supply Chain Solutions Inc., United Parcel Service Inc., Pedro Flores, Gerald Yee

**Facts:**

In 2017, plaintiff Mason McConn, 44, a dispatcher at a United Parcel Service shipping facility in Ontario, was terminated from his employment.

McConn, a white man, was assigning more work than usual to each driver, because of a staffing shortage. He claimed that a Latino driver, Pedro Flores, complained about the extra work and called him a racist. McConn claimed that he was terminated out of fear of a lawsuit from Flores and then defamed in investigative reports.

McConn sued his employers, UPS Cartage Services Inc., UPS Supply Chain Solutions Inc. and United Parcel Service Inc.; Flores; and the human-resources manager for the facility, Gerald Yee. McConn alleged that the defendants' actions constituted racial discrimination, retaliation, defamation and wrongful termination.

Flores and Yee were dismissed, and the matter proceeded to trial against the three UPS corporate entities.

McConn claimed that after he assigned extra work to the employees he supervised, Flores became insubordinate and asked why the tasks were not given to white drivers. McConn also claimed that Flores called him a racist and accused him of discrimination. McConn further claimed that Flores brushed against him during a verbal altercation and threatened to sue him and take away his home.

McConn contended that UPS terminated him because it feared a lawsuit from Flores and that UPS cited him for using foul language during two incidents within 11 months as pretext to fire him. He also contended that UPS management defamed him in its investigative reports of Flores' help-line complaints by including negative remarks that Flores allegedly made about him.

Defense counsel claimed that McConn was terminated for unprofessional conduct in managing employees but only after McConn failed to respond to UPS' efforts at progressive discipline. Defense counsel noted two altercations that were allegedly caused by McConn's unprofessional management of Flores, all in violation of UPS policies, including, but not limited to, UPS' professional-conduct and anti-harassment policies. Counsel contended that, following UPS' investigations of the complaints made against McConn by Flores, McConn was coached and counseled by Yee. Counsel argued that UPS management did not defame McConn because the investigations of the complaints were confidential. In addition, defense counsel contended that after receiving verbal coaching and counseling after the first altercation, McConn had to receive additional coaching and counseling as well as a written warning after the second altercation. Defense counsel argued that it was a third altercation with another UPS employee that ultimately resulted in McConn's termination.

**Injury:**

McConn claimed that he suffered emotional distress as a result of his experience at UPS. He sought recovery of damages for his emotional pain and suffering, as well as recovery of lost earnings as a result of his termination.

**Result:**

The jury rendered a defense verdict.

**Trial Information:**

**Judge:** Yolanda Orozco

**Trial Length:** 13 days

**Trial  
Deliberations:** 1 days

**Editor's  
Comment:** This report is based on information that was provided by defense counsel. Plaintiff's counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Defense: Artificial nails violated hospital policy

**Type:** Verdict-Defendant

**Amount:** \$0

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Central, CA

**Case Type:**

- *Intentional Torts - Battery*
- *Employment - Wrongful Termination; Disability Discrimination*

**Case Name:** Jacqueline Ellis v. Dignity Health and Autumn Hilger, No. BC698499

**Date:** December 16, 2021

**Plaintiff(s):**

- Jacqueline Ellis, (Female, 0 Years)

**Plaintiff Attorney(s):**

- Ann A. Hull; Law Offices of Ann A. Hull, Inc.; Studio City CA for Jacqueline Ellis

**Defendant(s):**

- Autumn Hilger
- Dignity Health

**Defense Attorney(s):**

- Yuk K. Law; Law + Brandmeyer, LLP; Pasadena, CA for Dignity Health, Autumn Hilger

**Facts:**

On Jan. 4, 2018, plaintiff Jacqueline Ellis, a certified nurse assistant for Dignity Health Northridge Hospital Medical Center, was terminated from her position. Prior to this, on Aug. 12, 2016, Ellis reportedly injured her back at work and was on leave, receiving workers' compensation benefits and treatment. In November 2016, she was assigned to light duty. In May 2017, her workers' compensation medical providers released her back to work with no physical restrictions.

According to Ellis, her back pain increased after she returned to work with no accommodations. In July 2017, she complained to a doctor that she was given unfair patient assignments in the telemetry unit, often being assigned heavy patients and patients on ventilators. The doctor wrote a letter to Dignity Health's leave department to express these concerns.

Following the complaint, on July 19, 2017, Ellis was asked to attend a meeting. After the meeting, she claims Autumn Hilger, nursing director for Dignity Health, confronted her and accused her of having artificial nails which were in violation of the hospital's hand hygiene policy. Ellis, who claims Hilger grabbed her hand without her permission during the exchange, maintained that her nails were not artificial. Finally, on Jan. 4, 2018, Ellis was terminated, with her employer citing insubordination and repeated violations of the hospital's hand hygiene policy, despite Ellis' claim that her nails were not artificial.

Ellis sued Dignity Health and Hilger, alleging disability discrimination, retaliation and wrongful termination.

After the July 2017 meeting, on Dec. 19, 2017, hospital administrators met with Ellis, in which she was reprimanded for alleged excessive absences. Ellis' union steward was also in attendance. After the union representative confirmed that Ellis could not be terminated for absences caused by illness or for medical appointments, Hilger is again alleged to have accused Ellis of violating the hospital's hand hygiene policy.

Ellis was given a written warning for violation of the policy.

On Dec. 20, 2017, Ellis was confronted by the telemetry unit nursing manager about her nails. Ellis was given a final written warning and was told to leave work. Ellis claims she was terminated in retaliation for her medical leave of absences and for complaints about being unfairly assigned when she returned to work after her disability leave. Ellis claimed that Hilger was upset about the accusation that Ellis was unfairly assigned and Hilger grabbed her hand.

Defense counsel contended that Ellis was insubordinate for repeatedly violating the hospital's hand hygiene policy, which placed patients at risk for infection.



**Injury:** Ellis claims the events leading up to her termination had caused emotional distress and sought recovery for her emotional pain and suffering.

**Result:** The jury returned a defense verdict for the defendants on Ellis' claims.

Jacqueline Ellis

**Trial Information:**

**Judge:** Elizabeth Allen White

**Trial Length:** 0

**Trial  
Deliberations:** 0

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Priya Idiculla

## Teacher's restrictions could no longer be accommodated: school district

**Type:** Verdict-Defendant

**Amount:** \$0

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Case Type:**

- *Employment - Retaliation; Workplace Harassment; Failure to Accommodate; Disability Discrimination*

**Case Name:** Lily S. Carvajal Monge v. Montebello Unified School District, a Public Entity School District, No. 19STCV21299

**Date:** September 16, 2021

**Plaintiff(s):**

- Lily S. Carvajal Monge, (Female, 53 Years)

**Plaintiff Attorney(s):**

- Jan T. Aune; The Law Office of Jan T. Aune; Burbank CA for Lily S. Carvajal Monge

**Defendant(s):**

- Montebello Unified School District

**Defense Attorney(s):**

- Golnar J. Fozi; Meyers Fozi & Dwork, LLP; Carlsbad, CA for Montebello Unified School District
- Jeremy M. Dwork; Meyers Fozi & Dwork, LLP; Carlsbad, CA for Montebello Unified School District
- Gabriel N. Kontarovsky; Meyers Fozi & Dwork, LLP; Carlsbad, CA for Montebello Unified School District

**Defendant Expert(s):**

- Johnson L. Moon M.D.; Neurology; Fullerton, CA called by: for Jeremy M. Dwork

**Facts:** In August 2018, plaintiff Lily Monge, 53, an elementary school teacher, was placed on medical leave by her employer, the Montebello Unified School District. She was not

allowed to resume teaching.

Monge had been diagnosed with multiple sclerosis in 2008, while she was employed by the Montebello Unified School District. She resultantly had about 15 work restrictions established by her neurologist in restriction letters that were provided to the district during a period of some 10 years. Her main accommodation was for bladder issues that required her to use a restroom two to three times a day, during class time. While Monge was gone during those restroom breaks, she needed another employee to supervise her fourth-grade class.

Monge last worked as a fourth-grade teacher in June 2018, at the end of the spring semester. She claimed that the school district would not accommodate her for the 2018-2019 school year and would not allow her to return to teach in August 2018.

Monge sued the school district. The lawsuit alleged that the school district's actions constituted disability discrimination; a failure to provide a reasonable accommodation; a failure to engage in the interactive process; retaliation; harassment; and a failure to prevent disability discrimination, retaliation and harassment against its employees.

Monge claimed that her accommodations were refused beginning in the 2018-2019 school year, resulting in her being placed on medical leave.

Defense counsel contended that the school district had accommodated Monge's disability and work restrictions for the better part of 10 years. Defense counsel also contended that the school district worked tirelessly with Monge, its own employees and outside compliance consultants to ensure that Monge was being reasonably accommodated for increasing work restrictions, including limitations on walking distance, the need to avoid cluttered or noisy areas, the need for extended time to complete paperwork, and the avoidance of stairs and crowded places.

Defense counsel argued that, in August 2018, during an interactive process meeting, the school district discovered that Monge was requiring more time away from instruction than previously known, among other new issues. The defense claimed that Monge was placed on medical leave while she and the school district evaluated whether Monge could be reasonably accommodated in light of her medical decline and corresponding needs. Defense counsel claimed that, even after Monge had been placed on medical leave, the school district continued to engage in the interactive process with Monge to determine if there was a way to reasonably accommodate her extensive work restrictions, but that, ultimately, it was determined that Monge's accommodation requests were affecting the quantity and quality of instruction to the students. The defense further claimed that Monge was experiencing declines in balance and cognitive function at that time, placing her and her students at risk and preventing her from performing her job's essential duties, with or without accommodation.

The defense noted that Monge's neurologist ultimately classified Monge as permanently disabled because of the progression of her condition in May 2019 and that, as a result, Monge received a full disability retirement in July 2019.

**Injury:**

Monge was a teacher in the school district for about 23 years. She claimed that when she was not allowed to return to work in August 2018, she suffered extreme emotional distress. She ultimately retired from her position.

Monge sought a return of her previously paid, accrued sick leave of \$20,000, recovery of \$1 million for past emotional pain and suffering, and recovery of \$1 million for future emotional pain and suffering.

Defense counsel presented evidence of Monge's used sick time and argued that Monge's sick leave was appropriately used to pay her while she was unable to work because of her medical condition. Thus, counsel argued that Monge was entitled to no damages of any kind.

**Result:**

After the presentation of all evidence, Judge Gregory Alarcon dismissed five of the six causes of action. He found that Monge did not prove that the district discriminated against her, retaliated against her, harassed her, failed to engage in the interactive process, or failed to prevent discrimination, retaliation and/or harassment. Thus, the sole remaining cause of action for the jury was whether the district failed to reasonably accommodate Monge's work restrictions.

The jury rendered a defense verdict. It found that at the time Monge was placed on medical leave, she could not perform the essential functions of her position with reasonable accommodation.

Lily Monge

**Trial Information:**

**Judge:** Gregory W. Alarcon

**Trial Length:** 6 days

**Trial Deliberations:** 90 minutes

**Jury Vote:** 12-0

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Priya Idiculla

## Defense: Instructor fired for absence, not complaint

**Type:** Verdict-Defendant

**Amount:** \$0

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):** • *mental/psychological* - emotional distress

**Case Type:** • *Intentional Torts - Battery*  
• *Employment - Sexual Harassment; Wrongful Termination; Failure to Accommodate; Disability Discrimination*

**Case Name:** Jane Doe v. Equinox Holdings, Inc. and Derek Mallard, No. BC673140

**Date:** September 04, 2019

**Plaintiff(s):** • Jane Doe (Female, 38 Years)

**Plaintiff Attorney(s):** • John C. Taylor; Taylor & Ring, LLP; Los Angeles CA for Jane Doe  
• D. Aaron Brock; Brock & Gonzales, LLP; Los Angeles CA for Jane Doe

**Defendant(s):** • Derek Mallard  
• Equinox Holdings Inc.

**Defense  
Attorney(s):**

- Thomas G. Mackey; Jackson Lewis P.C.; Los Angeles, CA for Equinox Holdings Inc.
- Henry L. Sanchez; Jackson Lewis P.C.; Los Angeles, CA for Equinox Holdings Inc.
- Dorothy L. Black; Jackson Lewis P.C.; Los Angeles, CA for Equinox Holdings Inc.
- Melissa T. Daugherty; Lewis Brisbois Bisgaard & Smith LLP; Los Angeles, CA for Derek Mallard
- Kerri R. Lutfey; Lewis Brisbois Bisgaard & Smith LLP; Los Angeles, CA for Derek Mallard
- Ashleigh R. Kasper; Lewis Brisbois Bisgaard & Smith LLP; Los Angeles, CA for Derek Mallard

**Defendant  
Expert(s):**

- Stephen M. Raffle M.D.; Psychiatry; Kentfield, CA called by: for Thomas G. Mackey, Henry L. Sanchez, Dorothy L. Black

**Facts:**

On Sept. 3, 2016, the plaintiff, 38, a Pilates instructor at Equinox's West Hollywood sports club, received a massage from Derek Mallard, a massage therapist who also worked at Equinox. She claimed that she was sexually battered by Mallard during the massage. She told Equinox about the incident and then commenced a leave of absence on Sept. 5, 2016. On July 27, 2017, while still out on medical leave, she was terminated from her employment.

The plaintiff sued Mallard and the operator of the sports club, Equinox Holdings Inc. The plaintiff alleged that Mallard's actions constituted sexual harassment and battery. She also alleged that Equinox's actions constituted a failure to investigate and prevent harassment, disability discrimination, a failure to provide a reasonable accommodation, and a failure to engage in an interactive dialogue regarding a potential reasonable accommodation.

The plaintiff claimed that she had routinely sent her clients to Mallard and had received approximately 25 prior, uneventful massages from him over approximately a 1.5- to two-year period. She claimed that she complained about the Sept. 3, 2016, massage to Equinox, but that Equinox failed to act properly. She further claimed that Equinox failed to accommodate her and that while she was out on medical leave to recover from the incident, she was wrongfully terminated.

Mallard denied engaging in inappropriate conduct during the massage, and he claimed that the plaintiff thanked him for the massage after it was over.

Equinox's counsel contended that Equinox conducted a prompt and thorough investigation into the plaintiff's complaint and then properly acted in response to it. Counsel also contended that Equinox provided the plaintiff the leave of absence she required and that Equinox only terminated the plaintiff's employment when she had not returned to work by July 27, 2017, and it became apparent that she would not be able to return to work at any point in the foreseeable future. Counsel maintained that Equinox invited the plaintiff to reapply for her position when she was able to return to work.

**Injury:** The plaintiff claimed that as a result of the events, she suffered emotional distress, resulting in panic attacks. She also claimed that she suffered a loss of earnings as a result of her termination.

The plaintiff sought recovery of lost earnings and damages for emotional pain and suffering.

Defense counsel argued that the evidence concerning the plaintiff's alleged emotional distress was unreliable and that significant evidence indicated that any psychological or emotional injuries that the plaintiff may suffer were caused by factors having nothing to do with the case.

**Result:** The jury rendered a defense verdict. It found that Mallard did not sexually harass or batter the plaintiff. It also found that Equinox was not negligent, as the plaintiff was not able to perform the essential functions of her job with or without a reasonable accommodation.

### **Trial Information:**

**Judge:** David Sotelo

**Trial Length:** 12 days

**Trial Deliberations:** 2.5 hours

**Jury Vote:** 10-2 (sexual harassment); 11-1 (disability discrimination)

**Editor's Comment:** This report is based on information that was provided by defense counsel. Additional information was gleaned from court documents. Plaintiff's counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla



**Defense: 'Accommodation' statute for employees, not relatives****Type:** Verdict-Defendant**Amount:** \$0**State:** California**Venue:** Los Angeles County**Court:** Superior Court of Los Angeles County, Central, CA**Case Type:**

- *Employment* - Retaliation; Failure to Accommodate; Family Medical Leave Act
- *Discrimination* - Fair Housing Act

**Case Name:** Rosario Morales v. City of Los Angeles, Linda M. Cessor and Karen Richter, No. BC688647**Date:** September 13, 2021**Plaintiff(s):**

- Rosario Morales, (Female, 0 Years)

**Plaintiff Attorney(s):**

- Ann A. Hull; Law Offices of Ann A. Hull, Inc.; Studio City CA for Rosario Morales
- Jeffrey M. Schwartz; Schwartz Law, P.C.; Santa Monica CA for Rosario Morales

**Plaintiff Expert (s):**

- Mark O. Falkenhagen; Economics; Los Angeles, CA called by: Ann A. Hull, Jeffrey M. Schwartz

**Defendant(s):**

- Karen Richter
- Linda M. Cessor
- City of Los Angeles

**Defense Attorney(s):**

- Susan Rim; Office of the City Attorney; Los Angeles, CA for City of Los Angeles, Linda M. Cessor, Karen Richter
- Christopher Cadena; Office of the City Attorney; Los Angeles, CA for City of Los Angeles, Linda M. Cessor, Karen Richter

**Facts:**

On May 5, 2017, plaintiff Rosario Morales, a fire special investigator for the city of Los Angeles' Professional Standards Division, was served with a notice of termination for failing to meet standards. Prior to this, during her probationary period from October 2016 to April 2017, Morales was reportedly chronically absent and her immediate supervisor reportedly notified Morales that her probation was extended from mid-April 2017 to early May 2017.

Morales then told her immediate supervisor she needed to care for her adult daughter, who Morales characterized as having a chronic condition. The supervisor suggested she consider requesting medical leave as an option and Morales immediately applied. On April 28, 2017, Morales was notified that she was eligible for medical leave, but a medical certification needed to be submitted within 15 days or by no later than May 17, 2017, in order for the request to be processed. Morales' request to deem her prior absences as retroactive medical leave was denied per policy.

Morales sued the city of Los Angeles, as well as her supervisors, Linda Cessor and Karen Richter, alleging retaliation, failure to reasonably accommodate and disability discrimination under California's Fair Employment and Housing Act; retaliation under Labor Code 1102.5; and failure to engage in the interactive process.

The city obtained a motion for summary judgment on Morales' claims of retaliation under Labor Code 1102.5 and disability discrimination under FEHA. The matter proceeded on Morales' claims for retaliation and failure to reasonably accommodate under FEHA; failure to reasonably accommodate and failure to engage in the interactive process.

Morales claimed she was terminated because she applied for medical leave to care for her daughter

The city's counsel noted that Morales was not disabled, and reasonable accommodations as defined by the law, are only for an employee, not their association, however the plaintiff's counsel maintained that disability in the statute is defined to include association. As such, Morales' counsel argued that there is such a thing as associational reasonable accommodation and pointed to precedent created by the 2016 *Castro Ramirez v. Dependable Highway Express Inc.* case, in which plaintiff Luis Castro-Ramirez had sued his employer alleging disability discrimination, claiming that he was terminated due to his request for time off to help administer his son's dialysis.

Defense counsel contended that there were legitimate reasons for Morales' termination, noting that throughout Morales' probationary period, in addition to her chronic absences, issues arose with relating to her work performance, which she was counseled on at those times.

**Injury:** Morales' expert in economics testified about her lost wages. Morales sought recovery for her past and future pain and suffering and her past and future wage loss.

**Result:** The jury returned a defense verdict for the city on Morales' claims.

Rosario Morales

**Trial Information:**

**Judge:** Laura A. Seigle

**Demand:** \$925,000

**Offer:** \$50,000

**Trial Length:** 6 days

**Trial  
Deliberations:** 0

**Post Trial:** Plaintiff is appealing the verdict.

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Priya Idiculla

## Ankle injury not reason for firing: Defense

**Type:** Verdict-Defendant

**Amount:** \$0

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Central, CA

**Injury Type(s):** • *mental/psychological* - emotional distress

**Case Type:** • *Employment* - Retaliation; Whistleblower; Wrongful Termination; Disability  
Discrimination  
• *Discrimination* - Fair Housing Act

**Case Name:** James Thomas v. Kaiser Foundation Health Plan Inc., Kaiser Foundation Hospitals, Southern California Permanente Medical and Jamila Dainty, No. BC707843

**Date:** May 08, 2023

**Plaintiff(s):** • James Thomas, (Male, 40 Years)

**Plaintiff Attorney(s):** • Maryann P. Gallagher; Law Offices of Maryann P. Gallagher; Los Angeles CA for James Thomas  
• Twila S. White; Law Offices of Twila S. White; Hermosa Beach CA for James Thomas

**Defendant(s):** • Jamila Dainty  
• Kaiser Foundation Hospitals  
• Kaiser Foundation Health Plan Inc.  
• Southern California Permanente Medical

**Defense Attorney(s):** • Kenneth R. Pedroza Esq.; Cole Pedroza, LLP; San Marino, CA for Southern California Permanente Medical  
• Zena Jacobsen; Cole Pedroza, LLP; San Marino, CA for Southern California Permanente Medical

**Facts:**

On Jan. 13, 2017, plaintiff James Thomas, a middle-aged licensed vocational nurse, was terminated from his position with Southern California Permanente Medical Group following an investigation which reportedly revealed he had committed time card fraud. A few weeks after the investigation into Thomas' timekeeping practices began, Thomas reported that he had allegedly injured his ankle on an internal stairwell, and asked about the lack of non-skid padding on the stairs. Thomas claimed he was terminated based on pretext for reporting an ankle injury and raising an issue about the stairs.

In July 2020, prior to the trial, the plaintiff opposed a summary judgment and moved to amend his complaint to include his vertigo and other medical conditions known to Kaiser. The assigned judge at the time, Judge Randolph M. Hammock, denied plaintiff from alleging these medical conditions as part of his case.

Thomas sued Kaiser Foundation Health Plan Inc., Kaiser Foundation Hospitals, Southern California Permanente Medical Group and his supervisor, Jamila Dainty. Thomas claimed disability discrimination and retaliation in violation of California's Fair Employment & Housing Act and for whistleblower retaliation pursuant to the labor code. The matter proceeded against Southern California Permanente Medical Group only. All of Thomas' disability claims were summarily adjudicated in advance of trial in favor of defense. Dainty obtained summary judgment in advance of trial.

Defense disputed that Thomas was terminated for reporting an ankle injury and that there was no non-skid padding in an internal stairwell. Defense contended that Thomas was terminated for cause, as he allegedly took extended breaks without clocking out numerous times and was terminated for time card fraud.

Plaintiff's counsel contended that defendant did not follow policies or procedures or comply with Kaiser policies or the collective bargaining agreement. Plaintiff's counsel further argued that the documents used to support Thomas' termination were not credible.

Plaintiff's counsel noted that at the defendant's urging and over the objection of plaintiff, the court responded to the jury's questions during deliberations, omitting the agreed upon substantial motivating reason instruction (CACI 2507). The Business and Professions Code claim remains to be decided by the court.

**Injury:**

Thomas waived all loss of earnings and economic damages. He only sought emotional distress damages at trial.

**Result:**

The jury returned a defense verdict, finding that Thomas' reporting of his ankle injury and comment about the stairs was not a motivating reason for Southern California Permanente Medical Group's decision to discharge him.

James Thomas

**Trial Information:**

**Judge:** Mel Red Recana

**Trial Length:** 15 days

**Trial  
Deliberations:** 1 days

**Jury Vote:** 11-1 (FEHA retaliation), 10-2 (Labor Code retaliation), 10-2 (wrongful termination)

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Priya Idiculla