

# Rodriguez v. Valley Vista Services Inc.

The law governing their case was shifting under their feet. Just as plaintiffs' attorneys Carney Richard Shegerian and Bruce Kokozyan were wrapping up a trial alleging wrongful termination, the state Supreme Court was poised to issue a ruling on the proper burden of proof in such cases.

Shegerian and Kokozyan could have pushed to finalize the case before the decision came down, but they were afraid that even if they won, a change in the law would give the defendant grounds for appeal.

And so on the eve of jury deliberations, they asked Los Angeles County Superior Court Judge Susan Bryant-Deason for a break until the state Supreme Court issued its ruling.

The state high court's decision didn't bode well for Shegerian and Kokozyan. Instead of just proving that discrimination was "a factor" in an employees' firing, plaintiffs would have to prove it was a "substantial factor." Still, Shegerian and Kokozyan were optimistic.

They believed their client, 34-year-old April Rodriguez, had a strong case that her employer of seven years illegally discriminated against her because she had a mental disability. The company was waste disposal hauler Valley Vista Services Inc., where Rodriguez worked as a customer service representative. Based in the City of Industry, in the San Gabriel Valley, the company is owned by the city's former mayor and his brother.

In January 2010, Valley Vista fired Rodriguez because it said she failed to show up to work or call in for three days straight. Rodriguez countered that she had previously told her bosses she needed time off to deal with psychiatric issues. She testified that her supervisor was skeptical of her claims that she was suffering panic attacks and suggested she simply wanted more time off.

As for the days she didn't show up to work, Rodriguez said she had called her superiors and told them she wasn't coming in due to panic attacks. Call records showing Rodriguez had reached out to her employer on the days in question bolstered her case, second chair Kokozyan said. *Rodriguez v. Valley Vista Services Inc.*, BC473793 (L.A. County Sup. Ct., filed Nov. 18, 2011).

After being fired, Rodriguez struggled to make ends meet financially, so much so that she sent two of her four children to her brother's care.

While Shegerian and Kokozyan believed their client had a strong case, the state Supreme Court's decision elevating the burden of proof required to win unlawful termination suits add-



Hugh Williams

Bruce Kokozyan and Carney Shegerian

ed a whole new level of uncertainty as jury deliberations began. Rodriguez's case appeared to be the first one to go before a jury with the new standard.

Shegerian and Kokozyan won big for their client. In February, the jury found the company's owners acted with malice and returned a verdict of nearly \$21.8 million for Rodriguez — \$5.2 million for her losses and an additional \$16.57 million in punitive damages.

"It sounds like a lot," Kokozyan conceded, but said the company's decision to fire her was "so egregious" when there was evidence that she called in sick. "The jury really liked our client, believed her, and were very disappointed that she was fired and had to go through this suffering."

Defense attorney Steven Joffe said the verdict was "absolutely out of hand."

"The idea that there was disability discrimination was just

outrageous. [Rodriguez] said she had panic attacks but there was no evidence that my client knew she had panic attacks ... The bottom line was you had a plaintiff who took a leave of absence, and then didn't have the responsibility to call or show up [to work]."

Valley Vista appealed, and the case has since settled for an undisclosed amount. Rodriguez, meanwhile, is reunited with her children.

As for the added burden on plaintiffs seeking to prove wrongful termination, Kokozyan said that in "borderline cases it might play a factor. But if the jurors understand and have a righteous client with a righteous claim, it will not be an impediment to justice."

case  
INFO

**Employment  
discrimination**

Los Angeles County

Superior Court Judge  
Susan Bryant-Deason

**Plaintiff's attorneys:**

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**Defense attorneys:**

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