

Employee wins record \$21.7 million award

Continued from page 1

that will be filed," Shegarian said. David M. DeRubertis, who argued the *Harris* case for Harris before the state Supreme Court, also predicted the changed jury instructions wouldn't change the outcome of most cases. Even if the employer says it didn't discriminate, "the jury has to believe they were actually in

fact motivated by that reason," De-Rubertis said.

However, Cane disagreed, saying discrimination and retaliation cases fundamentally must weigh two sides, with the defendant offering a lawful explanation of his actions.

"I think this case is an exception, and I think the rule in *Harris* is going to apply in many, many cases," he

said. "There is almost always going to be some substance to the reason the employer articulates."

Steven J. Joffe, a partner at Wilson Elser Moskowitz Edelman & Dicker LLP who represented the waste company and its affiliate in the *Rodriguez* case, said that the case was not an exception, but that the jury failed to see the truth in his clients' defense.



KOKOZIAN

"The verdict itself was completely out of whack with the evidence," he said, "which came down to the simple fact that Ms. Rodriguez failed to call."

laura_hautala@dailyjournal.com