

Top 100 Verdicts of 2013

NINETY-FOUR**EMPLOYMENT**

Disability Discrimination — Wrongful Termination — Retaliation

Employee: Company retaliated after she took medical leave**VERDICT** \$21,798,447**CASE** April Rodriguez v. Valley Vista Services Inc., Zerep Management Corporation, and Does 1 through 100, No. BC473793**COURT** Superior Court of Los Angeles County, East Los Angeles, CA**JUDGE** Susan Bryant-Deason**DATE** 2/15/2013**PLAINTIFF****ATTORNEY(S)** Bruce Kokozyan, Kokozyan Law Firm, APC, Los Angeles, CA
Carney R Shegerian, Shegerian & Associates, Inc., Santa Monica, CA**DEFENSE****ATTORNEY(S)** Steven J. Joffe, Wilson Elser Moskowitz Edelman & Dicker LLP, Los Angeles, CA
Ashley R. Leach, Wilson Elser Moskowitz Edelman & Dicker LLP, Los Angeles, CA

FACTS & ALLEGATIONS In December 2010, plaintiff April Rodriguez, a customer service representative for Valley Vista Services, a city of Industry-based waste disposal company, requested a leave of absence and other accommodations because she was suffering from panic attacks. Her doctor subsequently placed her on a leave of absence, but did not clear her return to work. Rodriguez was ultimately terminated from employment in January 2011.

Rodriguez sued Valley Vista Services Inc. and its parent company, Zerep Management Corp. She alleged that the defendants' actions constituted disability discrimination, a failure to accommodate, a failure to engage in the interactive process, retaliation, and wrongful termination.

Rodriguez contended that during the interim week that she had not been cleared by her doctor to return to work, she attempted to reach her supervisor almost daily, but that her supervisor ignored all her attempts at communication. She also contended that when communication was later established, she was met with skepticism by her supervisor, and was fired in retaliation for her requests and for her doctor's failure to clear her to return to work.

Valley Vista and Zerep Management denied all of Rodriguez's claims, and alleged that she was terminated due to job abandonment.

INJURIES/DAMAGES chronic depressive disorder; depression; emotional distress

Rodriguez claimed her termination caused her extreme financial hardship. She alleged that her former husband was employed by Valley Vista, but did not contribute any spousal support or assist in raising her four children. Rodriguez also claimed she was diagnosed with major depressive disorder due to the discrimination and her termination.

Thus, Rodriguez sought recovery of \$269,463 in compensatory economic damages, as well as recovery of an unspecified amount for her general damages. She also sought recovery of \$16.6 million in punitive damages, claiming that the defendants acted with malice in denying her requests and terminating her from employment.

RESULT The jury ruled in favor of Rodriguez and awarded her \$5,228,185.92 in economic and noneconomic damages. After a phase on punitive damages, the jury found that the defendants acted with malice and awarded Rodriguez an additional \$16,570,261 in punitive damages, including \$7,570,261 from Valley Vista and \$9 million from Zerep Management. Thus, Rodriguez's total recovery would be \$21,798,446.92.

APRIL

RODRIGUEZ \$66,023 past lost earnings
\$462,163 future lost earnings
\$4,000,000 past pain and suffering
\$700,000 future pain and suffering
\$16,570,261 punitive damages
\$21,798,447

DEMAND \$10 million
OFFER \$750,000

TRIAL DETAILS Trial Length: 26 days
Trial Deliberations: 4 days
Jury Vote: 11-1 for initial phase; 11-1 for punitive phase
Jury Composition: 7 male, 5 female

PLAINTIFF

EXPERT(S) Tamorah Hunt, Ph.D., economics, Santa Ana, CA
Warren Procci, M.D., Ph.D., forensic psychiatry, Pasadena, CA
Anthony E. Reading, Ph.D., psychology/counseling, Beverly Hills, CA

DEFENSE

EXPERT(S) Constantine M. Boukidis, M.A., economics, Los Angeles, CA
Richard B. Danchy, human resources policies, Santa Barbara, CA
David N. Glaser, M.D., forensic psychiatry, Encino, CA

POST-TRIAL Plaintiff's counsel filed a motion for attorneys' fees.

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

-Dan Israeli