

Hinshaw Attorneys Obtain Complete Defense Verdict in Seven-Week Jury Trial

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Plaintiff, an elementary school teacher, filed suit in Los Angeles Superior Court, Downtown Los Angeles, against her private school employer. The suit alleged age discrimination, wrongful termination and related claims. Plaintiff, a 37-year founding teacher, claimed her working hours and those of other older teachers were systematically reduced in a scheme to replace older teachers with younger ones. Plaintiff relied primarily on statistical evidence and testimony of other teachers. Defendant denied any plan or scheme, demonstrating that most of the teachers were in the protected age category and that this was consistent over time. Defendant further demonstrated that Plaintiff had workplace performance difficulties and that she was not a good fit for teaching younger grades. Plaintiff's total claimed damages were more than \$3 million. The case was tried to a jury for over seven weeks. The jury returned a defense verdict for the school on all causes of action, providing the school with the right to recover its costs. Plaintiff recovered nothing. According to California's state enforcement agency, the Department of Fair Employment and Housing (DFEH), age discrimination charges make up roughly 19% of the charges filed, which is a substantial percentage. Some estimates for discrimination cases in Los Angeles Superior Court indicate Plaintiffs are successful at trial approximately 57% of the time with median verdicts in age cases approaching \$1 million exclusive of attorneys' fees and costs. While long jury trials are rare for these types of claims, this case demonstrates that employers need not succumb to the demands of complainants.

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Topics

Age Discrimination, Trial, Verdict