

TRIALS DIGEST®

THE COMPREHENSIVE SOURCE FOR CALIFORNIA CIVIL TRIAL RESULTS

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TRIALS DIGEST'S 500TH ISSUE!

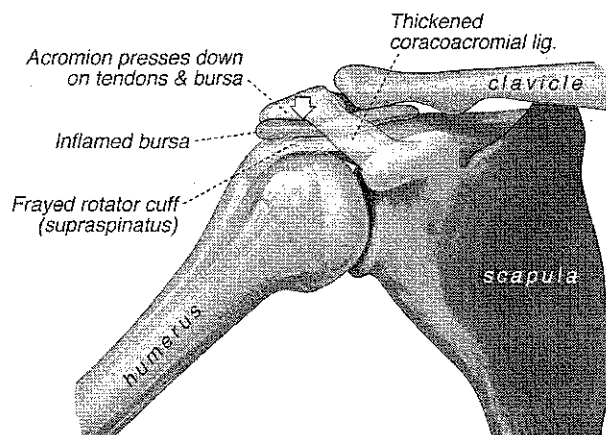
Notable Cases in This Week's Issue...

	Result	TR#
Settlement—Geologist killed by truck at excavation site	\$3,000,000	4
City of Modesto sues for soil/water contamination	\$178,248,834	10
Settlement—Failure to read EKG results in heart damage	\$3,000,000	15
Client alleges negligent legal representation	Defense	23
Company fails to accommodate employee's disability	\$1,500,000	14
Repairman falls through covered opening in attic	\$1,000,000	20
Settlement—Man dies in police custody of excessive force	\$250,000	1

Settlement--Injured motorist brings UIM action: \$72,500

Trial Report No.: 11

Detailed Illustration: Page 4



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Company fails to accommodate employee's disability

LABOR & EMPLOYMENT

Termination/Constructive Discharge/Disability/
Medical Condition/Violation of Public Policy

CENTRAL DISTRICT FEDERAL COURT

Martin v. Arrow Electronics, No. SACV041134JVS,
Santa Ana. James V. Selna. Jury trial: 2 weeks.
Verdict/judgment: 6/12/2006.

VERDICT/JUDGMENT: \$1,500,000

The jury concluded that defendant wrongfully terminated plaintiff based upon the disabilities he developed during his four-year employment and that the company failed to offer him a reasonable accommodation for his disabilities pursuant to the Fair Employment & Housing Act, which is California's parallel statute to the Americans with Disabilities Act. The jury's award included over \$1 million in lost wages, plus punitive damages based upon a finding that defendant's misconduct constituted fraud, oppression, or malice. Vote: Not reported. Deliberations: 1 day.

TRIAL COUNSEL

Plaintiff: Anthony Lanza, Lanza & Goolsby, Irvine. Lance Green, Law Offices of Lance Green, Beverly Hills.

Defendant: Gerald Griffin, Gibbs, Giden, Locher & Turner, Los Angeles. Gary Scalabrini, Gibbs, Giden, Locher & Turner, Los Angeles.

FACTS/CONTENTIONS

According to plaintiff: Plaintiff Douglas Martin was a general manager at defendant Arrow Electronics, based in Melville, New York, in charge of roughly 50 employees involved in the distribution of electric components. He was a top performer at Arrow until he became disabled in 2001, at which time he was terminated while on disability leave under the guise of a layoff. Plaintiff alleged that his employment was terminated based upon progressively worsening and disabling ailments, including anxiety disorder, panic attacks, panic disorder without agoraphobia, and, ultimately, panic disorder with agoraphobia. Plaintiff alleged that defendant manufactured an explanation for his termination while he was on a leave of absence after having suffered a severe panic attack and proceeded to terminate him based on his psychiatric disabilities.

Plaintiff further alleged that defendant's misconduct contributed significantly to his deteriorating health, specifically including the decision by defendant's HR to send notice of termination while he was in a particularly vulnerable psychiatric state, despite explicit advance warning from his psychologist and despite a failure to make any effort to accommodate plaintiff's known disabilities.

Plaintiff generally alleged that defendant's conduct constituted disability discrimination pursuant to the California Fair Employment and Housing Act (FEHA) and failure to reasonably accommodate a disability under FEHA.

Defendant denied that the termination of plaintiff's employment was the result of any discriminatory or unlawful action. Plaintiff was laid off as part of a corporate re-organization by defendant. During the year that plaintiff was laid off, defendant eliminated 930 positions, or eight percent of its worldwide personnel, as part of a restructuring of operations. In the case of plaintiff, his job was allegedly eliminated after two of defendant's operating units were integrated. Due to the integration, the managerial assignments of several operating units, including Arrow Bell Components, were changed. Based on his qualifications, Peter Ainsworth was assigned as the general manager of Arrow Bell Components for the San Jose market. Defendant contended that, ultimately, the decision to lay off plaintiff was a just and proper exercise of management discretion on the part of Arrow, undertaken for a fair and honest reason and regulated by good faith.

CLAIMED INJURIES

According to plaintiff: Exacerbation of emotional distress.

CLAIMED DAMAGES

According to plaintiff: \$607,385 past lost earnings; \$547,194 future lost earnings; \$41,000 past medical; \$24,000 future medical; \$300,000 past physical pain and mental suffering; \$1,000 punitive damages.

SETTLEMENT DISCUSSIONS

Not reported.

TRIAL EXPERTS

Unspecified side: Dominick Addario, M.D., psychiatrist, San Diego (619) 295-2189. Deborah Dickson, C.P.A., certified public accountant, Irvine (949) 553-1020.

COMMENTS

According to plaintiff: According to plaintiff's counsel, this was the largest reported employment verdict in Orange County this year, including state and federal filings for wrongful termination, discrimination, and labor disputes. It was also the second largest federal verdict on Orange County this year and the fourth largest verdict of any type in Orange County, federal or state.