

SOUTHERN

LOS ANGELES COUNTY

EMPLOYMENT

Age Discrimination — Wrongful Termination — Defamation

Employees: Bank fired them due to age and national origin

VERDICT \$2,563,630

CASE Nimet Behar and Clorinda Greek v. Union Bank, Ramin Behnam, Yvette Rosas, Brian Skelton, Tracey A. Kennedy and Does 1 to 100, No. BC427993

COURT Superior Court of Los Angeles County, Los Angeles

JUDGE Abraham Khan

DATE 4/9/2013

PLAINTIFF

ATTORNEY(S) Carney R. Shegerian, Shegerian & Associates, Santa Monica, CA
James Urbanic, Urbanic & Associates, Los Angeles, CA

DEFENSE

ATTORNEY(S) Tracey A. Kennedy, Sheppard, Mullin, Richter & Hampton, Los Angeles, CA (Union Bank)
Matthew A. Tobias, Sheppard, Mullin, Richter & Hampton, Los Angeles, CA (Union Bank)
None reported (Brian Skelton, Ramin Behnam, Tracey A. Kennedy, Yvette Rosas)

FACTS & ALLEGATIONS In September 2009, plaintiffs Nimet Behar, 49, an account manager who was born in Cyprus and is of Turkish descent, and Clorinda Greek, 63, an account manager who was born in Nicaragua, were terminated from their positions at Union Bank in Laguna Niguel. Behar and Greek claimed that they were fired because of their age and national origin, and that their managers violated public policy.

Behar and Greek sued Union Bank, alleging the defendant's actions constituted age and national origin discrimination, as well as wrongful termination, defamation and workplace harassment.

The individual defendants listed in the case caption were never served. Thus, they were never actual defendants in the case and the only defendant at trial was Union Bank.

Behar and Greek claimed that their manager at the Laguna Niguel branch, Ramin Behnam, gave preferential treatment to employees who were of Iranian origin, like him. They also

claimed that they did not violate any of Union Bank's rules, but were discriminated against because of their ages. Greek further claimed that prior to her termination, one of her managers frequently remarked about wanting "younger sales people." In addition, Greek claimed that she was ultimately replaced by an employee who was approximately 25 years old.

Union Bank claimed that Behar and Greek were fired because they violated bank policy by making an investment with a client that created a conflict of interest. Thus, it claimed Bahar and Greek were fired for legitimate business reasons.

INJURIES/DAMAGES *emotional distress*

Behar was hired in 2005 and Greek was hired in 1996. Both worked in the priority banking department, dealing with accounts for wealthy clients. They claimed they were defamed because when they tried to seek new employment in the banking industry, they were rejected because of the reasons Union Bank officials gave for their termination.

Thus, Behar and Greek sought recovery of damages for their past and future emotional distress, and past and future loss of earnings.

RESULT The jury rejected claims of ethnic discrimination and harassment, but found Union Bank was liable for age discrimination, wrongful termination and defamation. Thus, the jury determined that the plaintiffs' damages totaled \$2,563,630, of which Behar was awarded \$1,601,608 and Greek was awarded \$962,022.

NIMET BEHAR \$195,142 past economic damages
\$606,466 future economic damages
\$550,000 past non-economic damages
\$250,000 future non-economic damages
\$1,601,608

CLORINDA GREEK \$143,275 past economic damages
\$43,747 future economic damages
\$600,000 past non-economic damages
\$175,000 future non-economic damages
\$962,022

DEMAND \$3 million
OFFER None reported

TRIAL DETAILS Trial Length: 19 days
Trial Deliberations: 5 days
Jury Vote: 9-3

PLAINTIFF EXPERT(S) Craig Snyder, Ph.D., psychology/counseling, Beverly Hills, CA

DEFENSE EXPERT(S) Anthony E. Reading, Ph.D., psychology/counseling, Beverly Hills, CA

POST-TRIAL Plaintiffs' counsel moved for attorney fees.