

# Worker claimed retaliation for taking medical leave: plaintiff

**VERDICT** **Defense**  
**CASE** Marie Brown v. Los Angeles County  
Department of Children and Family  
Services and Does 1 to 10, No. BC499438  
**COURT** Superior Court of Los Angeles County,  
Los Angeles, CA  
**JUDGE** Michael Johnson  
**DATE** 4/15/2014  
**PLAINTIFF**  
**ATTORNEY(S)** Geoffrey C. Lyon, Lyon Law,  
Long Beach, CA  
**DEFENSE**  
**ATTORNEY(S)** Jeffrey M. Hausman, Hausman & Sosa,  
LLP, Tarzana, CA

**FACTS & ALLEGATIONS** On June 29, 2009, plaintiff Marie Brown, 56, was discharged from her job as a Human Services Aide of Department of Children and Family Services. She had been investigated for an accusation that she had improperly testified in a family court hearing on Aug. 27, 2008, and then later lied about her conduct to her supervisors. Following the discharge, Brown appealed to the Civil Service Commission, but ultimately retired on Nov. 21, 2009, before her hearing or the Civil Service Commission rendered its decision regarding the appeal.

After retiring, Brown applied for, and was granted, retirement benefits through the Los Angeles County Employee's Retirement Association (LACERA). However, she allegedly failed to notify the Civil Service Commission that she retired, and her discharge was reduced to a 25-day suspension. The county then attempted to return Brown to work on Oct. 6, 2011, and Brown was added to the payroll.

Brown then took doctor-approved paid medical leave. However, on Oct. 24, 2011, LACERA informed the county that Brown had retired and could not be reinstated to her former employment. Thus, Brown was forced to be rehired as a new employee, but because she could not be rehired, Brown was again discharged on Jan. 30, 2012.

Brown sued the LA Department of Children and Family Services, alleging that she was discriminated against because of her medical disabilities and that she was retaliated against for taking medical leave. Brown also alleged that she was retaliated against for exercising her rights under the Fair Employment and Housing Act, and that the county failed to prevent discrimination against her.

The plaintiff's human resources' policies expert testified that the county's actions violated the standard of practice in dealing with accommodation and disciplinary issues.

Defense counsel contended that the county had discharged Brown for misconduct in 2009 and that it could not re-employ Brown in 2011 and 2012 because she

had officially retired. Thus, counsel contended that Brown was finally discharged in January 2012. Defense counsel further contended that Brown's discharges were not motivated by discrimination or retaliation, and that it was impossible for the county to rehire a retired employee.

## **INJURIES/DAMAGES** *emotional distress*

Brown sought recovery of damages for her alleged pain and suffering, humiliation, and emotional distress as a result of the alleged discrimination and retaliation. Brown also claimed that she was owed back wages, and recovery for her loss of future income and benefits.

The plaintiff's expert economist testified as to the claimed loss of past and future income, and to the tax consequences of a lump sum payment.

The defense's occupational therapy expert testified about the results of objective psychological testing and opined on Brown's ability to qualify for her to work as a Human Services Aide.

**RESULT** The jury rendered a unanimous defense verdict. Reportedly, jurors interviewed after trial said that they did not believe the defendants' actions were motivated by discrimination or retaliation.

**DEMAND** \$990,000  
**OFFER** \$49,000

**TRIAL DETAILS** Trial Length: 10 days  
Jury Vote: 12-0  
Jury Composition: 4 male, 8 female

**PLAINTIFF**  
**EXPERT(S)** **Beth B. De Lima, M.B.A.**, human resources  
policies, San Jose, CA  
**Tamorah G. Hunt, Ph.D.**, economics, Santa Ana, CA

**DEFENSE**  
**EXPERT(S)** Scpideh Souris, Psy. D., occupational therapy, Los Angeles, CA

**POST-TRIAL** Plaintiff's counsel may file post-trial motions regarding the defense verdict.