

SPECIAL REPORT

LARGEST EMPLOYMENT PRACTICES CLAIMS IN MICHIGAN ABOVE \$1,000,000 19-Year Report: 1998-2016

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The Importance of Employment Practices Liability Insurance

A review of actual Michigan cases since 1998 indicates that these claims can result in severe judgments.

It is important to note that these judgments or settlement amounts do not include the legal expense of defending these claims.

How To Review This Report

- I. Pages 2-5 include a brief summary of the attached largest judgments in Michigan.
- II. Pages 6-18 give a detailed description of these claims as well as other cases of interest.

I. SUMMARY OF LARGEST EMPLOYMENT PRACTICES JUDGMENTS IN MICHIGAN

<u>YEAR</u>	<u>AMOUNT</u>	<u>TYPE OF CLAIM</u>	<u>DESCRIPTION</u>
2016	\$ 1,572,626	Wrongful Termination	Terminated so respondent could escape stock payouts.
	\$ 1,550,000	Wrongful Termination	Denied compensation and benefits and shareholder interests.
2015	\$ 16,500,000	Breach of Contract; Wrongful Termination; Conversion	Millions of dollars of invested stock options were cancelled upon termination of co-founder of Compuware. Unjust enrichment.
	\$ 2,200,000	Breach of Contract	Performance bonus.
	\$ 1,767,500	Wrongful Death	Unsafe working environment and inadequate training.
	\$ 1,500,000	Sex Discrimination	Class action lawsuit; Women discriminated against when interviewing for SSR positions at Cintas.
	\$ 940,000	Hourly Wage	On-site and at-home "off-the-clock" work, pay time-and-a-half, over 40 hrs.
2014	\$ 1,350,000	Disability Discrimination	23 employees were terminated wrongfully. ADA Act must be a case-by-case decision; not across the board as with FMLA.
	\$ 1,251,169	Racial Discrimination	Reported multiple co-employee and supervisor insults; was threatened with suspensions and ultimately fired.
	\$ 1,185,520	Job Discrimination	Job discrimination & harassment against Arab American.
	\$ 1,080,000	Wrongful Discharge	Resign or be fired; Type II Whistleblower Protection Act.
	\$ 925,000	Disabilities Civil Rights Discrimination	Hostile work environment due to racial and disability discrimination.
	\$ 887,000	Racial Discrimination	After filing for leave of appeal, plaintiff also filed a retaliation lawsuit due to being discriminated due to filing a civil rights action.
	\$ 610,000	Wrongful Termination Racial Discrimination	Wrongfully accused of not giving proper notice to her manager regarding time off. Wrongfully accused of stealing.

2013	\$ 5,528,156	Wrongful Discharge	4 officers were notified of their non-reappointment to their positions.
	\$ 1,900,000	Wage-Hour Claims	Overtime, travel time between worksites or overnight travel, required compensatory time off in lieu of overtime; required working without breaks.
	\$ 1,500,000	Sexual Harassment	3 female workers fired after complaining about sexual touching and obscene sexual remarks; witness also fired.
	\$ 1,400,000	Age Discrimination	Older workers were impacted when permanently transferred to locations hundreds of miles away, but no work; forced retirement.
	\$ 1,300,000	Unpaid Overtime and Calculation of Chargebacks	Unpaid for pre- and post-shift work, attending meetings, weekend work and other out-of-office work. Improper accounting methods.
	\$ 1,040,000	Non-Compete	Sales consultant violated terms of employment. Litigation ensued.
	\$ 900,000	Unpaid Commissions	A sales agreement provided for payment for the life of any parts or products when a quote was received prior to rep's termination date.
2012	\$ 4,590,000	Wrongful Termination	Employee was a minority shareholder terminated by a majority shareholder.
	\$ 4,500,000	Defamation	Stalking, malicious statements, called "homosexual, racist, liar."
	\$ 3,420,000	Unjustly Terminated	South Asian male employee sued.
	\$ 2,200,000	Fired Without Cause	No pre-termination hearing for 3 former District Court employees.
	\$ 1,205,772	Wrongful Termination	Accusations; breach of company policy.
	\$ 1,100,000	Breach of Employment Agreement	Financial information was deliberately misrepresented and withheld to avoid making payments mandated by their agreement.
	\$ 1,000,000	Defamation	Damage to employee's reputation. Malicious prosecution.
2011	\$11,300,000	Wage Hour	DeJa Vu Club dancer suit, violated wage hour by being wrongfully classified as independent contractor.
	\$ 2,300,000	Shareholder Oppression	Breach of contract, fraud, and unjust enrichment and conversion.
	\$ 1,204,334	Wrongful Discharge	Suit filed 2 years after discharge of married male nurse at nursing home.
	\$ 1,093,734	Wrongful Discharge	Discharged because of race.
2010	\$ 7,900,000	Foul Language and Degradation	Cruel pranks and demeaning assignments.
	\$ 1,000,000	Minority Shareholders Oppression	2 shareholders were unjustly discharged in violation of their employment rights.
	\$ 650,000	Executive Fondles Himself	Executive fondles himself for 20 minutes during performance evaluation. She claims termination because of refusal of advances.

2009	\$ 4,388,302	Verbal Harassment	Supervisor said, "Worthless Good-For-Nothing Cripple"!
	\$ 4,229,500	Wrongful Discharge	Retaliation for complaining about shorted commissions.
	\$ 1,813,293	Breach Of Employment Contract	Commissions not paid at contract termination.
	\$ 1,300,000	Wrongful Discharge	Company president sued for buyout of his 25% shareholder interest.
2008	\$ 3,700,000	Sexual Harassment	Owner molested bookkeeper's fifth grade daughter.
2007	\$ 2,611,720	Wrongful Termination	Wrongfully accused, assault and battery, & emotional distress.
	\$ 2,100,000	Racism	African-American, discharged.
2006	\$ 2,995,000	Wrongful Termination	Fired in retaliation for wrong accusation of misusing statewide database.
	\$ 2,439,391	Racism	Chinese, Troy math teacher, terminated.
	\$ 1,000,000	Wrongful Termination	Fired because of severe Tourette's Syndrome.
2005	\$10,600,000	Perfume Allergy	Gender discrimination. Fired in retaliation for EEOC claim. Employer violated disability laws by not accommodating the employee's disabilities caused by employer.
	\$ 1,400,000	Defamation	Employer wrote letters calling employee a lunatic and mentally ill.
2004	\$ 5,000,000	Sexual Discrimination	Two females by bogus examination were terminated.
	\$ 4,140,000	Racial Discrimination	Mexican American Police officer, Mexican American.
	\$ 3,074,000	Harassment	Theater manager fired, after filing for a personal protection order against a subordinate employee he had dated who began harassing him.
	\$ 1,600,000	Racial Harassment	African American.
2003	\$ 6,200,000	Age Discrimination	After declining early retirements two supervisors were passed over for promotions and retaliated against.
	\$ 2,188,723	Wrongful Discharge	Age discrimination discharge without opportunity for other positions.
2002	\$10,600,000	Employee's Disabilities	Employee fired for filing EEOC complaint. Employer was found to have not accommodated the employee's disabilities.
	\$ 1,546,900	Racial Discrimination	White, male professor was passed over by female or black applicants.
2001	\$ 2,700,000	Wrongful Discharge	Failure to receive dividends. Shareholder Oppression.
2000	\$ 7,160,000	Failed to Accommodate	Employer failed to accommodate employee's work restrictions due to back injury. Heavy lifting caused injuries.
	\$ 5,500,000	Maternity Leave	Discharged after returning from maternity leave.
	\$ 4,897,100	Wrongful Termination	Doctor's exclusive radiology contract and staff privileges were termination without just cause, and without a hearing.

2000 (cont.)	\$ 1,300,000	Mental Anguish	Mental anguish was suffered daily over a 12-year period due to physical threats and a death threat against him, without any assistance. Managers retaliated after he filed the court case.
	\$ 1,005,000	Racial Complaints	Corrections officer was fired in retaliation for making racial complaints.
	\$ 1,000,000	Wrongful Termination	Physician was terminated due to his India national origin and Hindu religion.
1999	\$45,000,000	Discrimination	1,400 Detroit Edison current and former employees alleged discrimination and other adverse actions arising out of corporate reorganizations in 1992, continuing through 1995.
	\$33,000,000	Invasion of Privacy	State eavesdropping laws were violated for over a year while a Fire Chief recorded calls of firefighters.
	\$21,000,000	Sexual Harassment	Male employees stole and barricaded her tools, urinated on belongings.
	\$ 2,600,000	Racial Discrimination	Promotions were downgraded, she was harassed and terminated.
	\$ 1,809,000	Racial Discrimination	Colombian Pilot was not given opportunity to train for promotions.
	\$ 1,700,000	Gender Harassment	Gender harassment of 10 employees caused loss of earnings and benefits because of discharge and psychiatric damages.
	\$ 1,245,000	Employment Retaliation	Economic and non-economic damages were alleged as a result of employment retaliation.
1998	\$ 1,500,000	Age Discrimination	Paint dispersion operator was discharged for alleged misconduct, but due to age discrimination his supervisor tortuously interfered with his employment relationship.
	\$ 1,250,000	Gender Hostility and Discrimination	Ten women of a large retail health food chain were fired due to gender hostility and discrimination.
	\$ 1,160,000	Verbally Attacked with Demeaning and Humiliating Language	Employee was verbally attacked with demeaning and humiliating language of a sexual nature. She was transferred off the midnight shift, then discharged.

See the following pages for summaries of the above-mentioned cases noted in the above chart.

II. DESCRIPTIONS OF EMPLOYMENT PRACTICES LIABILITY CLAIMS IN MICHIGAN

2016		
05/17/2016	\$ 1,572,626	<u>Confidential</u> (Management Practices – Employment Practices, Stock Rights Agreement) Due to a poorly written stock rights agreement which was extremely ambiguous as to whether it granted stock or stock rights, it was ultimately determined that claimant had stock rights, but not stock. There was also confusion as to whether claimant was a shareholder or merely an employee. The respondent’s CPA learned later that claimant was a shareholder in 2014. The president set the stage for “just cause” termination, allowing respondent to escape payouts provided in the agreements. Ultimately, claimant was locked out and denied computer access. It was determined there was not just cause to fire claimant.
Wrongful Termination		
05/26/2016	\$ 1,550,000	<u>Madugula v Taub</u> (Management Practices) Plaintiff Madugula began working for defendant Dataspace in 2002 and returned Dataspace to profitability. Contributing to its growth and success, he became a 29% shareholder in 2004, then 36.25% in 2007. When defendant Taub terminated Madugula’s employment, his shareholder interests were interfered with. Oppressive acts were: termination of employment, compensation and benefits, denying him access to information regarding Dataspace’s operations, freezing him out of decision-making and involvement in operations, and violation of the parties’ shareholders agreement.
Wrongful Termination		
2015		
05/11/2015	\$ 16,500,000	<u>Karmanos v Compuware Corp.</u> (Employment Practices: Breach of Contract/Wrongful Termination) Founder and longtime CEO and chairman of Compuware, he retired and became a consultant to the company. When terminated in September 2013, millions of dollars of invested stock options were purportedly cancelled because Karmanos made critical comments about Compuware’s management. Karmanos sued for breach of contract, conversion and unjust enrichment. Compuware vigorously defended the case during a two-week hearing. The parties agreed the dispute should go to binding arbitration. The arbitrator was not obligated to offer explanatory evidence for the decision.
Wrongful Termination; Breach of Contract		
06/24/2015	\$ 940,000	<u>Enterprises Inc. Williams v Sykes</u> (Employment Practices: Class Action for Wage and Overtime Violations) Plaintiffs and similarly situated co-workers at defendant Sykes Enterprises Inc., a publicly traded company that provides call center services to Fortune 1000 companies, formed a class-action lawsuit alleging that 76 Michigan residents of the nearly 4,000 people who opted into the class, were not paid for pre-shift time spent booting up and logging into those systems, or for wrapping up calls post-shift. They claimed that these tasks constituted “off-the-clock” work in excess of 40 hours per week, for which they should have been paid time-and-a-half according to the Fair Labor Standards Act and state wage and hour laws. They were classified as nonexempt hourly employees.
Hourly Wage Violation		

and as part of their daily job responsibilities, plaintiffs were required to use defendant's or its customers' computer systems for the duration of their shifts. Despite settling a similar lawsuit in Nov. 2011 with Sykes employees at an Arkansas call center facility, plaintiffs alleged the company took no subsequent action to change its policies regarding "off-the-clock" work. Sykes is the largest call center operation in the world, and plaintiffs argued that defendant knew or should have known the "off-the-clock" work of boot-ups and call-completion time was compensable, as the U.S. Department expressly instructed in a fact sheet targeting the call center industry. Defendant argued that plaintiffs were properly compensated for all time worked and that plaintiffs could not prove they worked off-the-clock without proper compensation. In June 2015, the parties jointly stipulated to dismiss the class action by means of a settlement with each member of the plaintiff class receiving a share based upon the number of weeks that he or she worked for defendant in the three years prior.

06/24/2015	\$ 2,200,000	Breach of Contract	<u>Biber v Webber</u> (Employment Practices: Breach of Contract for Performance Bonus) In 2005, plaintiff Biber was acting as defendant Webber's attorney in the sale of Webber's business for \$220M. Biber alleged that in addition to the compensation originally agreed upon in his contract, he was owed a 1% performance bonus, which amounts to approximately \$2.2M. A Livingston County jury determined that Biber proved Webber breached a contract between them to pay Biber a fee, and that Webber proved the contract was not capable of possibly being performed within one year from the date the contract was made. In addition, the jury determined that the services on which Biber sought to recover for breach of contract were for services as a business person, not as a lawyer performing legal services, and awarded no damages.
08/12/2015	\$ 1,767,500	Wrongful Death	<u>Perez v Yankee Springs Dairy Inc.</u> (Employment Practices / Wrongful Death) 18-year-old farm worker, Perez, as well as his 17-year-old co-worker were ordered by their employer to clean inside a molasses tank that stored liquid feed for cows that had decayed and fermented over eight months resulting in oxygen being displaced by toxic hydrogen sulfate. When the teens complained about the conditions in the tank, they were told to take turns. It was found that the business owner knew of the hazards involved and willfully disregarded that knowledge. He had read the warning label on the tank and knew the teens were not provided with protective gear. He failed to provide a safe working environment and inadequate training. There was no ladder inside the tank as it wasn't meant for egress and ingress. Workers were instead pulled from the tank by a co-worker with a rope, as the container's sole opening was a hole in its top.
11/30/2015	\$ 1,500,000	Sex Discrimination	<u>Serrano, et al. v Cintas Corporation</u> (Employment Practices: Sex Discrimination) In a class action lawsuit, Mirna Serrano filed against Cintas, a major uniform manufacturer and supplier. Serrano plaintiffs alleged that Cintas discriminated against women in hiring into various service sales representative (SSR) positions across all divisions of Cintas from 1999 until March 31, 2005. In a consent decree approved by the court on November 25, 2015, Cintas agreed to pay the class of women who applied, but were not hired, \$1.5M in back pay and also pay an additional \$50,000 to a third-party claims administrator to distribute money to the class. Cintas agreed to hire an outside expert to revalidate the criteria used to screen, interview and select SSRs and the interview guides used in SSR hiring, etc.
2014			
02/27/2014	\$ 1,185,520		<u>Aboubaker v Washtenaw County</u> (Employment Practices: Discrimination/Harassment) A former 17-year Washtenaw County maintenance technician and bus driver argued that union members were to

Job Discrimination	be given first consideration for vacant positions at the county, but he was passed over repeatedly in favor of employees with lesser seniority status. He was Arab American and black Muslim of Tunisian origin and was an AFSCME 233 union member who had earned a bachelor's degree and two associate degrees. In 2008 he applied for an entry level drain inspector position and was the only union member to apply, but the county chose a nonemployee, nonunion member instead. He was fired in 2008 around the same time that he filed a complaint about severe harassment following the Sept. 11, 2001 terrorist attacks.
03/12/2014 \$ 1,080,000 Wrongful Discharge	<u>Knox-Pipes v Genesee Intermediate School District</u> (Employment Practices: Wrongful Discharge) One particular school, Clio, in the school district wanted out of a long-term contract (a fiber optic tele-network system that disseminated learning programs to the 21 school districts throughout the county) it had signed with GISD, claiming Clio was forced to pay for lavish perks for male board members and former male superintendent of GISD. GISD sued Clio to enforce the contract; Clio countersued to recover funds it paid for the claimed perks. After two days of deliberation, the jury awarded plaintiff \$760,000 for the Whistleblower Protection Act (WPA) violation and \$320,000 for the breach of contract. Plaintiff Knox-Pipes was not awarded anything on her Civil Rights Act claim for gender discrimination.
04/04/2014 \$ 1,251,169 Racial Discrimination	<u>Worthy v Performance Staging, Inc.</u> (Employment Practices: Racial Discrimination) Plaintiff, an African-American truck driver and laborer, sued for allegedly firing him for reporting complains of civil rights violations and racial harassment. He was threatened with a three-day suspension, and was eventually fired after six complaints. Defendant's claim that the plaintiff's complaints were not put into his work record because his supervisors were too busy. The human resources representative, also African-American, testified that she heard the racial slurs, but that the plaintiff worked in a warehouse and it was part of "their world."
06/30/2014 \$ 1,350,000 Disability Discrimination	<u>EEOC v Princeton HealthCare System</u> (Employment Practices, Case of Interest: Medical Leave Disability Discrimination) Princeton HealthCare System wrongfully terminated 23 employees that took medical leave they were entitled to under the Americans with Disabilities Act. The suit brought about by EEOM in 2010 was a result of about two dozen employees of PHCS filing complaints starting in 2007. The unlawful practice involved a human resource policy that was in place until 2010. The hospital disagrees that the prior policy violated the ADA and challenged the claims; however, they agreed to resolve matters in order to avoid the high cost and disruption of operations caused by the ongoing litigation. Under the federal Family Medical Leave Act, eligible employees are entitled to 12 workweeks of leave in a one-year period, as opposed to those covered under the ADA which does not set a specified amount of leave time. PHCS applied the FMLA across the board but did not take into consideration those covered under the ADA and using case-by-case standards to dictate the amount of leave granted. Under the consent decree settling the suit, PHCS is prohibited from having a "blanket policy" that limits the amount of leave time an employee covered by the ADA may take. Instead, they must determine how much leave is needed on an individual basis with covered employees, including those with a disability related to pregnancy. Also, PHCS can no longer require employees returning from a disability leave to present a "fitness for duty" certification to work without any restrictions. Other significant and similar cases include: Interstate Distributor, Supervalu, Sears, and Verizon.
08/14/2014 \$ 887.000 Racial Discrimination	<u>Hester v Michigan Department of Corrections</u> (Employment Practices: Racial Discrimination) Plaintiff, an African-American mason in the maintenance shop of the Ryan Correctional Facility in Detroit, asserted that between 2007 and 2010 he was treated differently from his white counterparts by his Caucasian shop

		supervisor, claiming racial discrimination and hostile work environment under the Elliot-Larsen Civil Rights Act (ELCRA). After filing for leave of appeal, plaintiff filed a retaliation lawsuit due to his being discriminated due to his filing civil rights action. MDOC denied, while the entire maintenance shop testified that plaintiff was treated differently since filing the action. He was awarded past economic and noneconomic damages, as well as future noneconomic damages.
09/15/2014	\$ 610,000	<u>Wayne County Circuit Court – Confidential</u> (Employment Practices / Wrongful Termination) After working for her employer for 8 years, 39-year-old plaintiff filed an EEOC complaint in October 2011. She was told that she was placed off work on an investigative suspension and then was terminated for an alleged “no call/no show.” (It was later determined that plaintiff had given proper notice to her manager. The discipline was deleted.) Plaintiff was brought back to work 3-4 weeks later and was again suspended and terminated within 6 weeks after her return to work due to stealing \$30. She then filed another EEOC complaint alleging retaliation. Defendants refused to produce all documents they sent to the administrative agency regarding plaintiff in 2011-2013, claiming they could not find them. They could neither admit nor deny that they notified the appropriate state administrative agency that plaintiff was terminated in October 2011. Yet, an agency did show that plaintiff was terminated at that time. An employee who verified and counted all the marked bills testified that no money came up missing and that plaintiff was wrongfully terminated. Videotapes did not show any theft. Plaintiff claimed race discrimination, hostile work environment, retaliation, false imprisonment, conspiracy and concert of actions, and intentional infliction of emotional distress.
Wrongful Termination; Racial Discrimination		
11/26/2014	\$ 925,000	<u>Wayne County Circuit Court (confidential)</u> (Employment Practices/Racial/Disability Discrimination) In 2011 during defendant government agency restructuring, an African-American male plaintiff was to be transferred into another position currently held by one of his supervisor’s white friends. Plaintiff believed his supervisor wrote up a fake job description that did not meet the needs of plaintiff’s disability, so that he could be ultimately fired. Plaintiff was illegally sent home from work for more than 10 months. During that time, he was unpaid, lost his home and health care and was unable to care for his family. Plaintiff was unable to take his medication for high blood pressure or diabetes and his health spiraled out of control. He ended up living in his car. After nearly a year, he was returned to work without explanation. He grieved his time off work and received back pay. He argued further that upon his return he was the target of an incredibly racist and retaliatory atmosphere, he was given a disproportionate amount of work, was talked down to by the supervisor, and was given different jobs every day as a way to harass and embarrass him. Plaintiff reported this to numerous supervisors.
Disabilities Civil Rights Discrimination		
2013		
02/26/2013	\$ 1,300,000	<u>Tankersely, et al. v Ameritech Publishing, Inc.</u> (Employment Practices: Unpaid Overtime) A group of sales representatives filed suit in federal court on claims for <u>unpaid overtime</u> wages relative to uncompensated work hours that they alleged their employer, defendant Ameritech Publishing, Inc., permitted. Plaintiffs alleged API directed or encouraged its workers to use voice recorders and perform pre- and post-shift work, attend meetings, weekend work and other out-of-office work to try and generate additional sales of yellow pages advertisements and produce sale leads. A secondary component of the damage claim pertained to the company’s method of calculating “chargebacks” for defaulting sales. The court certified both a collective action and class action consisting of groups of approximately 500 and 200 members, respectively.
Unpaid Overtime		

05/2013	\$ 1,500,000	<u>(Confidential) v New Breed Logistics</u> (Employment Practices: Sexual Harassment)
Sexual Harassment		After a 7-day jury trial a verdict of more than \$1.5M was rendered in an EEOC <u>sexual harassment</u> and retaliation lawsuit against a logistics services provider. A warehouse supervisor harassed three temporary female workers by subjecting them to unwelcome sexual touching and lewd, obscene sexual remarks, then fired them after they complained. A male employee was terminated because he opposed the harassment and agreed to serve as a witness for several claimants during the company's investigation. Awards included back pay, compensatory and punitive damages.
05/20/2013	\$ 1,400,000	<u>William Dallas, et al. v. Alcatel-Lucent USA Inc.</u> (Employment Practices: Age Discrimination)
Age Discrimination		In a collective action brought under the <u>Age Discrimination</u> in Employment Act, 36 plaintiffs and 158 opt-in plaintiffs alleged that defendant Alcatel-Lucent USA Inc., engaged in a pattern and practice of age discrimination when it implemented permanent transfers and a selection process that caused a disparate impact on older workers. More specifically, plaintiffs — all wireless communications installers — contended that the Age Discrimination in Employment Act was violated by forcing the resignation and retirement of older installers in 2002, 2003 and 2004. The plaintiffs claimed older installers were required to choose between accepting permanent transfers to locations hundreds of miles away from their home bases or terminating their employment by resigning or retiring. Older installers were eliminated from its work force by being declared as surplus installers based on an outdated skill grouping designation, rather than by examining the work installers actually performed or were qualified to perform. They were then selected as the oldest installers in the work force for permanent transfer. Faced with the prospect of relocation with limited work opportunities, many installers opted to resign or retire. This nationwide policy affected installers in 40 states.
06/12/2013	\$ 1,040,000	<u>Cranbrook Financial Group Inc. v Brandimarte</u> (Management Practices: Non-Compete)
Non-Compete		Group sales consultant, pursuant to terms of his employment, agreed to work exclusively for plaintiff and remit all money coming into his possession to the company. He violated these terms by starting a competing enterprise, misappropriating company assets and proprietary information for his own personal gain, and committing fraud. In addition, a steady stream of clients began leaving Cranbrook Financial to go to the competing entity, many of the defendant's emails disparaged plaintiff, and after it was discovered that defendant used a private email account to solicit Cranbrook's customers, a client reply went to Brandimarte's old Cranbrook email address, which the company intercepted. Also, clients mistakenly left voice mail messages on his old Cranbrook phone extension. When a temporary restraining order and preliminary injunction were filed in order to stop these violations, the defendant continued. Hence, a settlement agreement with a predetermined dollar amount was levied, based on the kinds of sales deals he made.
08/14/2013	\$ 5,528,156	<u>36th District Court and Michigan AFSMCE Council 25 and its Local 917</u> (Employment Practices: Wrongful Discharge)
Wrongful Termination		In 2004, two officers of the 36 th District Court's real estate division were notified in writing of their non-reappointment to their positions. In 2007, another two officers in the same division were notified similarly. Grievances were filed, reinstatements issued, and back pay with interest was awarded based on total wages reported on each of the officer's W-2 and 1099 forms.
09/27/2013	\$ 1,900,000	<u>Knispel, et al. v Chrysler Group LLC</u> (Employment Practices: Wage-Hour Claim)
Wage-Hour Claims		In a collective action suit involving 81 plaintiffs, plaintiffs contended defendant Chrysler Group implemented common policies and practices that prevented certain workers supplied to Chrysler through third-party labor

suppliers from obtaining full payment for hours worked, particularly overtime hours, in violation of the Fair Labor Standards Act. Disputes included denial of overtime travel time between worksites or overnight travel, required compensatory time off in lieu of overtime, and required working without breaks. Plaintiffs alleged Chrysler was a joint employer and thus responsible party for unpaid wages and overtime because it met the definition of an employer pursuant to the FLSA.

11/19/2013	\$ 900,000	Unpaid Commissions	<u>Confidential</u> (Management Practices: Sales Rep. Act / Unpaid Commissions) In 2003, plaintiff and defendant signed a sales representation agreement which contained a provision for payment for the life of any parts or products for which a quote or inquiry was received prior to the sales representative's termination date. Defendant terminated the sales representation agreement in August 2008. In 2011, plaintiff was visiting one of his customers and discovered that his prior principal was shipping parts that had been quoted prior to plaintiff's effective termination date. Plaintiff filed suit for <u>unpaid commissions</u> on the parts.
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2012

01/27/2012	\$ 2,200,000	Wrongful Termination	<u>Barachkov, et al., v 41B District Court, et al.</u> (Employment Practices: Wrongful Termination) After eight years, three former employees of the District Court in Macomb County won their court case of government workers <u>fired without cause</u> . Though Clinton Twp. judge said plaintiffs lied during a management oversight review, plaintiff said it was really an investigation of a "then-Court Administrator" regarding her history of absenteeism and misuse of court resources. There were no personnel records regarding any lies during the review that would show that the women were fired for cause. Government workers, including these plaintiffs, are required to have a hearing before being fired. There had been no hearing.
04/25/2012	\$1,205,772	Wrongful Termination	<u>Walsh v Kraft Foods Global, Inc.</u> (Employment Practices: Wrongful Termination) Accused by his human resource manager of falsifying documents and committing fraud, <u>wrongful termination</u> and breach of policy was contended by plaintiff, as the four-step procedure for termination, as found in the employee handbook, was not followed. Present and future economic damages were awarded.
05/2012	\$1,100,000	Breach of Employment Agreement	<u>Confidential</u> (Management Practices: Breach of Employment Agreement) Plaintiffs entered into a joint venture and employment agreement with an out-of-state agricultural chemical company seeking to establish a Michigan branch. Plaintiffs were to receive an annual salary and 50% of the Michigan venture's annual net profits. The venture was a success and generated substantial profits; however, plaintiffs contended that for 5 years the defendant deliberately withheld and misrepresented financial information to avoid making payments mandated by their agreement and willfully refused to make documentation, computer records, and other supporting information available. Defendant countered that they were properly and fairly paid.
07/19/2012	\$4,590,000	Wrongful Termination	<u>Schwannecke, et al. v Schwannecke, et al.</u> (Employment Practices/Management Practices: Wrongful Termination) Plaintiffs had worked for Self Serve Lumber for several decades and collectively owned a minority, non-controlling interest in the company. Over the course of several months, the controlling shareholder terminated each of the plaintiffs from their long-held positions of employment, eliminated all benefits, removed each plaintiff from the board of directors, and attempted to force the sale of their shares at a subpar price. Due to the shareholder squeeze-out, the plaintiffs filed claims for violations of the shareholder and member oppression statutes, breach of fiduciary duty, and breach of lifetime employment contracts.

08/16/2012	\$ 4,500,000	<u>U.S. District Ct., Eastern District of Michigan</u> (Employment Practices: Defamation)
	Defamation	Plaintiff, U of M student body president, sought compensatory and exemplary damages from defendant assistant attorney general for the State of Michigan on claims of <u>defamation</u> , intentional infliction of emotional distress, invasion of privacy and stalking. In 2010, plaintiff asserted that defendant became obsessed with making false and malicious statements about him, and physical threats online, calling him “a radical homosexual activist, racist, elitist and liar.” Defendant maintained he had wanted plaintiff to resign as student body president because he felt plaintiff was too radical for the position and that he, defendant, was acting within his First Amendment rights.
09/24/2012	\$ 1,000,000	<u>Buchanan v Walters</u> (Management Practices: Defamation)
	Defamation	Plaintiff sought damages for <u>defamation and malicious prosecution</u> / damage to reputation which would continue into the future. The lawsuit had been reported widely in the local media. In his complaint, plaintiff contended that defendant improperly abused the civil litigation process for the purpose of causing vexation, humiliation, embarrassment and damage to plaintiff’s community reputation in order to coerce him to pay the unpaid bills of defendant’s clients even though he had no obligation to do so. He was awarded exemplary damages.
10/2012	\$ 3,420,000	<u>Confidential; confidential</u> (Employment Practices: Wrongful Termination, Discrimination)
	Wrongful Termination; Discrimination	Working for international automobile manufacturer for 26 years, 59-year-old South Asian Indian male was terminated in 2009 by new president and CEO. Plaintiff served in high-profile executive positions on four different continents outside of N. America. His position included substantial salary, bonuses, stock options, and numerous other benefits. He was replaced by Caucasian male with European origin. Just two days prior, plaintiff’s immediate superiors issued a glowing letter of recommendation. Plaintiff filed <u>discrimination</u> charge with the Equal Employment Opportunity Commission.
2011		
06/28/2011	\$ 2,300,000	<u>Sweeney v. Mucci Food Products</u> (Employment Practices: Shareholder Oppression)
		Plaintiff had owned a 20% stake in the makers of Mama Mucci brand pasta since its formation in 1988. After many years of the three owners working at Mucci Food, plaintiff asserted that the defendant-controlling shareholder ousted him and terminated his wages and benefits. Defendants contended there was no oral agreement for lifetime employment, that they had the right to terminate plaintiff’s employment, and denied that their actions constituted <u>shareholder oppression</u> . It was found that plaintiff was entitled to a buy-out and was promised lifetime employment.
07/15/2011	\$11,300,000	<u>Doe v. Cin-Lan, et al</u> (Employment Practices: Independent Contractors)
		Defendants Cin-Lan, Inc. and Déjà vu Consulting, Inc. <u>wrongfully classified</u> plaintiffs, a class of exotic dancers, as “independent contractors” instead of “employees,” thus violating the Fair Labor Standards Act (FLSA). Plaintiffs argued that they, as <u>independent contractors</u> , paid the club a lease fee out of the dance fees paid by customers. It was argued that Déjà vu Consulting had authority over each club and exercised a traditional employer authority by firing dancers.
10/27/2011	\$ 1,204,334	<u>Roberto Landin v Healthsource Saginaw, Inc.</u> (Employment Practices: Wrongful Termination)
		50-year-old married male nurse at nursing home contended he was terminated when he reported what he deemed dangerous behavior by another nurse, whereby a brittle diabetic patient had died. Plaintiff had received multiple violations of hospital policy when he put his initials in the records for actions he did not perform.

11/01/2011	\$ 1,093,734	<u>Clum v Jackson National</u> (Employment Practices: Racial Discrimination/Termination) Employee claimed wrongful discharge because of race.
2010		
08/01/2010	\$1,000,000	<u>Anonymous Shareholders v Anonymous Comporations</u> (Employment Practices: Minority Shareholder / Oppression) Two plaintiffs became employed by defendant manufacturer in the 1990's. After a few years, they purchased 10% of the company. Now there were 7 shareholders. In 2004, the controlling shareholder sold 70% of the company; thus, reducing the plaintiffs' combined holdings to 3%. A new company was formed, equally owned by the 7 original owners. Plaintiff minority shareholders did not participate in negotiations and did not know they could have a vote in this regard nor that they could not be terminated without a super majority vote of the board. A few years later, they were terminated without cause.
09/2010	\$ 650,000	<u>Gueyser v Otis Mathis</u> (Employment Practices: Sexual Misconduct) School board president fondled himself in front of former superintendent, plaintiff, for 20 minutes while discussing her evaluation and contract. She was fired in retaliation for refusing his <u>sexual advances</u> . Her contract ended two weeks after she reported the incident. Mathis resigned the day after Gueyser reported the incident (06/16/10). He pleaded no contest. He was sentenced to 2 years of probation and 50 hours of community service.
10/04/2010	\$ 7,900,000	<u>Waldo v Consumers Energy</u> (Employment Practices: Sexual Harassment) Female plaintiff sought damages for <u>sexual harassment</u> , a hostile work environment, and violations of her rights under Title VII. After working in mail services and meter reading for 4 years, in 2011 she entered a 4-year, in-house apprenticeship program in defendant's transmission line department, but was ultimately removed from the journeyman program as she was not "competent." She entered another journeyman program. She was subjected to sexually abusive treatment by supervisors and co-workers, which also included derogatory comments, cruel pranks, and demeaning assignments. Plaintiff claimed she was also forced to climb transmission towers and tighten bolts without proper training and safety equipment.
2009		
01/07/2009	\$1,300,000	<u>Jerry Stakhiv v L.S. Brinker Co., Larry Brinker and Donald Miller</u> (Employment Practices: Wrongful Discharge) Company president of a construction services company was a 25% minority shareholder in the company. He alleged defendants diverted profits to their other affiliated companies, thereby committing financial oppression. The diversion of funds and disagreements forced him to resign. He filed for minority shareholder oppression, breach of fiduciary duty and wrongful discharge. He sought a buyout of his ownership interest.
05/08/2009	\$4,229,500	<u>Donna Pope v Brinks</u> (Employment Practices: Wrongful Discharge) Employer fired employee after she threatened to report the employer for routinely shorting employees out of commissions and diverting the money to a fund for management bonuses. Employee won despite being caught on video in the office after hours going through the office coordinator's personal property and engaging in other snooping.

09/30/2009	\$1,813,293	<u>Case Name Kept Confidential</u> (Management Practices: Breach of Contract) New Jersey-based software sales representative agency asserted that it was owed commissions after defendant Michigan-based software company <u>refused to pay commissions</u> that closed or could have been closed within the 90-day period subsequent to the contract termination. The defendant, through a letter, terminated the long-standing sales representation agreement with the plaintiff in December 2004. The parties were negotiating a new agreement, and continued to do so through March 2005.
10/23/2009	\$4,388,302	<u>McKelvey v Geren</u> (Employment Practices: Verbal Harassment) Plaintiff was subjected to <u>verbal harassment based upon his disability</u> while doing civilian Army work. In 2006, he had suffered physical impairments in Iraq during duty with the Army National Guard and commenced his civilian employment with the Army. One month in, he was subjected to verbal harassment based upon his disability. He was called "cripple" on a regular basis, including by his supervisor who denied his requests for accommodations, such as a touch-screen laptop or voice-activated programming for his computer. Plaintiff then submitted his resignation in 2007.
2008		
01/08/2008	\$3,700,000	<u>Liebendorfer v Albanese</u> (Employment Practices: Sexual Harassment) The defendant owned two restaurants in Kalamazoo. He molested his bookkeeper's daughter who was in the fourth and fifth grade. This continued until she graduated from high school. She was then raped upon her return.
2007		
03/27/2007	\$ 2,100,000	<u>Fischer v United Parcel Service</u> (Employment Practices: Racial Discrimination) The plaintiff Fischer was an 18-year employee of defendant United Parcel Service. The plaintiff was an African American and sued United Parcel Service alleging <u>racial discrimination</u> but lost the case. Later, the plaintiff alleged that he was retaliated against for the earlier lawsuit when he returned to work from a medical leave and was discharged.
10/31/2007	\$ 2,611,720	<u>Kennedy L. Thomas v Bobby W. Ferguson and Ferguson Enterprises</u> (Employment Practices: Wrongful Termination) A day laborer was wrongfully accused by his employer of calling defendant's wife and was struck by a handgun multiple times and was threatened and ordered off the premises. He was wrongfully terminated in retaliation for contemplating filing a criminal charge. He also sued for assault and battery and intentional infliction of emotional distress.
2006		
04/28/2006	\$ 2,439,391	<u>Auvenshine v Troy School District</u> (Employment Practices: Racial Discrimination/Termination) The plaintiff, a 37-year-old high school mathematics teacher, was terminated from her employment at the end of her third year of probation. The plaintiff, who was Chinese, claimed that she was terminated because the defendant principal of her high school was white and <u>discriminated</u> against her based on her racial background.

11/17/2006	\$ 1,000,000	<u>John M. Okros v Angelo lafrate Construction Co.</u> (Employment Practices: Wrongful Termination) At 36 years of age, plaintiff suffered from severe Tourette's Syndrome, causing him to display head ticks and grunt. He was fired due to the perceived liability.
12/13/2006	\$ 2,995,000	<u>Michelle Horton v Fourty Eighth District Court and James P. Harkins Jr.</u> (Employment Practices / Wrongful Termination) In 2004, a 14-year clerk of the Court in Bloomfield Twp. was fired, claiming she had misused the statewide database containing driving and criminal records; however, she alleged she was fired in retaliation for wrongfully being accused of leaking partially false information that the wife of a newly elected judge faced a driving-while-intoxicated charge.
2005		
03/17/2005	\$ 1,400,000	<u>Kelley v Farhad</u> (Employment Practices: Defamation) The defendant employee wrote untruthful letters about the plaintiff and emailed them to hundreds of individuals and entities, including the Detroit News and the Detroit Free Press. The defendant called the plaintiff a lunatic, mentally ill, vengeance seeking, and a criminal. It was determined that the defendant's statements about the plaintiff were false.
05/23/2005	\$10,600,000	<u>Weber v Infiniti Broadcasting</u> (Employment Practices: Failure to Accommodate Disabilities/Perfume Allergies) This employee was fired and alleged that it was in retaliation for an <u>EEOC claim</u> . The jury found that the defendant violated state and federal disability laws by failing to accommodate the employee's disabilities, which were caused by the defendant in the first place. The jury found that the company also fired her in retaliation for filing the EEOC claim in violation of state and federal law.
2004		
01/2004	\$ 1,600,000	<u>Scott v Road Commission for the County of Oakland</u> (Employment Practices: Racial Harassment) This case involved racial harassment. The supervisor in question told racial jokes and referred to employees using the "N" word. The supervisor also kept a surveillance notebook on the activities of African American employees only and treated African American employees harshly.
04/26/2004	\$ 3,074,000	<u>Trepanier v National Amusements</u> (Employment Practices: Harassment) In this Whistleblowers' Protection Act matter, the manager of the Showcase Cinema West movie theater in Flint was fired from the job he loved presumably because he filed for a <u>personal protection order</u> against a subordinate employee he had dated in 1997 who began harassing him. He had worked at the theater from 1983 to 1998. The defendant threatened to burn down the plaintiff's house. Plaintiff obtained a personal protection order.
09/08/2004	\$ 4,140,000	<u>Madrigal v Allen Park</u> (Employment Practices: Racial Discrimination) <u>Racial discrimination</u> by the only Mexican American police officer on the force. Disciplines were out of proportion to those given to anyone else. Strong witness support. Emotional distress and loss of income.
12/13/2004	\$ 5,000,000	<u>Denhof, et al. v City of Grand Rapids</u> (Employment Practices: Sexual Discrimination) A federal jury case recovered losses involving a <u>sex discrimination</u> retaliation case of two female officers who had

filed charges against the city several years ago, but lost. The officers were subjected to retaliation in 2002 by being removed from active duty and were sent to a bogus "fitness for duty" examination. Their pay was suspended and they were denied reinstatement.

2003

05/21/2003 \$ 6,200,000 Ross, et al. v General Motors (Employment Practices: Age Discrimination)
Age discrimination: Long-time, excellent supervisors were both offered, but declined, early retirement. They were then consistently passed over for promotion and retaliated against.

08/18/2003 \$ 2,188,723 Geraldine Sobek v Saint Mary's Medical Center (Employment Practices / Wrongful Discharge)
After 31 years of service, the now-HR Director was discharged. She sued for age discrimination, wrongful discharge, and brought a tortious interference claim against a hospital administrator. She was not given the opportunity to apply for other available positions.

2002

01/2002 \$10,600,000 Streeter v Ford Motor Co. (Employment Practices: Age Discrimination)
Age discrimination related to an evaluation system.

06/14/2002 \$ 1,546,900 Stephen Buszek v Delta Community College (Employment Practices: Racial/Gender Discrimination)
In 1998, a white, male college instructor, having taught as an adjunct professor for 6 years, applied for a full-time teaching position again and again. Either black or female professors were hired, instead, who were less qualified than he.

2001

10/05/2001 \$ 2,700,000 Causley v Causley (Employment Practices: Wrongful Discharge, Shareholder Oppression)
Plaintiff was a 25% owner of auto dealership. His employment was terminated. Company refused to pay dividends to plaintiff but paid other shareholders' bonuses which were disguised dividends.

2000

02/11/2000 \$ 4,897,100 Matuga v Three Rivers Area Hospital (Employment Practices: Wrongful Contract Termination)
Dr. alleged lost wages and emotional distress when defendant unilaterally terminated the Doctor's exclusive radiology contract and staff privileges without just cause and without giving him a hearing. Evidence at trial showed a pattern of conduct on the part of the hospital in covering up and lying about essential peer review activity.

02/26/2000 \$ 7,160,000 Olsen v Toyota Technical (Employment Practices: Disability Restrictions)
Employee had restrictions on his ability to perform certain tasks because of a prior injury to his back. Defendant required that he perform duties outside his abilities and did heavy lifting, causing injury.

02/26/2000	\$ 5,500,000	<u>Morton v Unisys</u> (Employment Practices: Maternity Leave Discrimination) 16-year employee was discharged after returning from maternity leave. The allegation is that Unisys treated her differently because she was a working woman with children.
05/17/2000	\$ 1,000,000	<u>Yogeschandra B. Patel, M.D. v Wyandotte Hospital</u> (Employment Practices: Discrimination Termination) Long-term emergency room physician was terminated for substandard performance. Plaintiff stated that he properly performed his duties and that he was terminated because of his national origin (India) and religious preference (Hindu).
06/22/2000	\$ 1,300,000	<u>Pena v Ingham County</u> (Employment Practices: Harassment) Plaintiff was slurred on a daily or weekly basis and suffered <u>mental anguish</u> over a period of 12 years. His managers, supervisor, and others were aware of the physical threats and a death threat against him, but they did nothing. His <u>managers retaliated</u> against him after he filed the Circuit Court case.
08/30/2000	\$ 1,005,000	<u>Edwards v State of Michigan</u> (Employment Practices: Wrongful Termination) Plaintiff was a corrections officer in Plymouth. She was <u>fired in retaliation</u> for making racial complaints.
1999		
02/02/1999	\$33,000,000	<u>Abramczyk v City of Southgate</u> (Employment Practices: Invasion of Privacy) For more than a year, the City of Southgate's Fire Chief was recording the calls of firefighters, a total of more than 400 conversations. This was a violation of state <u>eavesdropping</u> laws, the Michigan constitution, whistleblower laws, public policy, and invasion of privacy. One of the plaintiffs also alleged intentional infliction of emotional distress.
05/05/1999	\$ 2,600,000	<u>Patricia M. Steffes v Pepsi-Cola Personnel, Inc. and Charles E. Stamper</u> (Employment Practices / Racial Discrimination) 24-year, white female employee applied for promotions, but successful applicants were black. After filing a complaint, her supervisor downgraded her promotional opportunities, kept her out of staff meetings and harassed her, and she was discharged.
05/21/1999	\$ 1,700,000	<u>Roney v Cotton</u> (Employment Practices: Gender Harassment) This was a <u>gender harassment</u> case involving loss of earnings and benefits because of constructive discharge and psychiatric damages involving 10 employees.
07/13/1999	\$ 1,245,000	<u>Goncalves v Department of Corrections</u> (Employment Practices: Employment Retaliation) The plaintiff alleged economic and non-economic damages as a result of employment retaliation.
07/19/1999	\$21,000,000	<u>Linda M. Gilbert v Chrysler Corporation and Jefferson Assembly Plant</u> (Employment Practices / Sexual Discrimination) Plaintiff was the first female millwright to work at Defendant's assembly plant with an 80-1 male to female ratio. Males stole and barricaded her tools, urinated on her belongings, left sexually explicit cartoons, and referred to her in derogatory sexual terms. She complained in writing in 1993, then filed a civil rights suit in 1994. Plaintiff returned to alcohol abuse, fueled by the discrimination.
10/27/1999	\$ 1,809,000	<u>Gabriel Quires, Jr. v Kalitta Flying Service</u> (Employment Practices / Racial Discrimination) Upon being hired as a pilot in 1989, he was verbally promised to be trained and promoted to Lear jet captain; however, he was not given enough experience or training. He was also mimicked because of his Colombian

		origin. He quit due to emotional distress.
10/28/1999	\$45,000,000	<u>Gilford v Detroit Edison</u> (Employment Practices: Discrimination) 1,400 current and former Detroit Edison employees alleged termination, demotion, denial of promotion, transfer to hostile work environment, and other adverse actions arising out of <u>corporate reorganizations</u> occurring in 1992 and continuing through 1995.
1998		
02/20/1998	\$ 1,160,000	<u>Burns v City of Detroit</u> (Employment Practices: Verbal Harassment) First employed as a fingerprint technician in 1986, plaintiff claimed that in 1994 two male coworkers verbally attacked her with demeaning and humiliating language of a sexual nature. Her supervisor imposed no discipline. Supervisors and officials up the chain of command either belittled or ignored her complaints and eventually transferred her off the midnight shift. Verbal assaults continued and plaintiff was constructively discharged and has been disabled from working for three years.
04/02/1998	\$ 1,500,000	<u>Martin v Dupont</u> (Employment Practices: Age Discrimination Termination) Paint dispersion operator, employed by Dupont for over 24 years, was discharged from his employment for alleged misconduct. Plaintiff maintained he was discharged because of age and that the defendant supervisor <u>tortiously interfered</u> with his employment relationship. He was awarded economic damages and emotional anguish damages.
11/24/1998	\$ 1,250,000	<u>Delraso v General Nutrition Corporation</u> (Employment Practices: Age and Gender Discrimination) The defendant was a large retail health food chain with 26 stores in Michigan. During a 2½-year period, the company fired 10 store managers, all of whom were women. The plaintiff was one of the women involved and was able to establish an atmosphere of age and gender hostility and discrimination.

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