

Kaiser employee is fired; claims retaliation. \$366K. Los Angeles County.

Summary

HR manager is fired by Kaiser; she says it was because she was doing her job in trying to improve the EEO investigations department.

The Case

Case Name: Loveless v. Kaiser Foundation Health Plan, Inc.

Court and Case Number: Los Angeles Superior Court / BC564550

Date of Verdict or Judgment: Wednesday, June 06, 2018

Date Action was Filed: Friday, November 21, 2014

Type of Case: [Employment](#), [Wrongful Termination](#)

Judge or Arbitrator(s): Hon. Holly E. Kendig

Plaintiffs:

Debra Loveless, 61.

Defendants:

Kaiser Foundation Health Plan, Inc.

Type of Result: Jury Verdict

The Result

Gross Verdict or Award: \$366,813

Economic Damages:

Past economic damages: \$121,699.25

Future economic damages: \$47,522

Non-Economic Damages:

Past non-economic: \$69,000

Future non-economic: \$128,591.75

Trial or Arbitration Time: 10 days.

Jury Deliberation Time: 2 days.

Jury Polls: 9-3 FEHA retaliation; 10-2 Labor Code retaliation.

Post Trial Motions & Post-Verdict Settlements: Plaintiff will file motion for attorneys fees under FEHA. Defendant will file Motion for JNOV; Motion for New Trial and Remittitur.

The Attorneys

Attorney for the Plaintiff:

The Rager Law Firm by Jeffrey A. Rager, Torrance.

Mizrahi Law, APC by Ramit Mizrahi, Pasadena.

Attorney for the Defendant:

Nixon Peabody LLP by Michael R. Lindsay and Erin Holyoke, Los Angeles.

The Experts

Plaintiff's Medical Expert(s):

Anthony E. Reading, psychology, Beverly Hills.

Defendant's Medical Expert(s):

Eraka Bath, psychology, Los Angeles.

Plaintiff's Technical Expert(s):

Jennie McNulty, economics, Los Angeles.

Facts and Background

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After a one-year search by Kaiser to fill a management position, Debra Loveless was hired as the Manager for the EEO Investigations Unit for Kaiser in Southern California on April 15, 2013. She was suspended on September 22, 2014, and then fired on October 7, 2014 while she was on medical leave.

Plaintiff's Contentions:

That Kaiser retaliated against her for her protected activities in violation of FEHA and Labor Code section 1102.5. That in her role, plaintiff pushed her investigators for better quality in their EEO Investigations. Concurrently, she challenged her supervisor who made ageist comments, sought an equity pay increase for a subordinate who was paid less based upon race and gender, objected to tying EEO substantiation rates to performance reviews, objected to the proposed misclassification of an employee, and objected to a conflict of interest in a FEHA investigation.

Also, that plaintiff had only exceptional and excellent reviews in the workplace, and no prior discipline of any kind.

Defendant's Contentions:

Defendant denied retaliation, and contended that plaintiff was terminated for legitimate, non-discriminatory reasons; namely, for poor performance, lack of candor, unprofessionalism, and inability to lead her team.

Disclaimer

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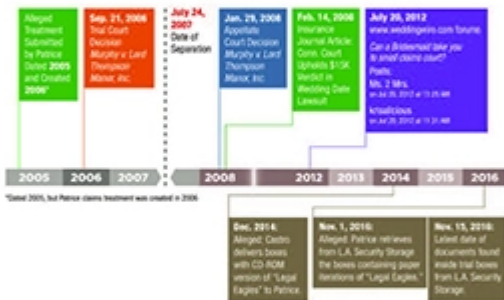
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