

## **Saiber Attorney Marc E. Wolin Wins Case in U.S. Third Circuit Court of Appeals**

October 31, 2013

Saiber partner, Marc E. Wolin, successfully defended a large consumer products company on an appeal from a summary judgment brought by two ex-employees who alleged that their discharge violated New Jersey Conscientious Employee Protection Act. The Third Circuit Court of Appeals affirmed the judgment of the United States District Court, which found no causal connection between the whistle blowing activity of the two former employees and the alleged adverse employment action, i.e., termination of their employment. The Court of Appeals also affirmed the lower Court ruling that the company had a legitimate non-discriminatory reason to terminate the employment of the former employees.

This litigation began after the two employees, who were truck fleet mechanics, were terminated. The employees claimed that they had reported safety issues to the company and to the Department of Labor after which, they alleged that the company disciplined them in writing and later terminated them both. The company, through Wolin, presented evidence that the employees failed to inspect and maintain the truck fleet, the employees supervisor who terminated them never knew of their alleged complaints about safety issues, and that the former employees had engaged in other conduct that justified the termination of their employment.