

Saiber Attorneys Successfully Oppose Appeal of Summary Judgment in Discrimination Lawsuit

August 15, 2016

Saiber LLC successfully argued to the United States Court of Appeals for the Second Circuit that the plaintiff's appeal of summary judgment concerning her discrimination claims should be denied. Previously, District Judge Nicholas G. Garaufis of the United States District Court for the Eastern District of New York had granted our clients summary judgment on plaintiff's claims of FMLA interference and retaliation, disability discrimination and retaliation, and age discrimination and retaliation claims.

Among other things, Judge Garaufis found that plaintiff was unable to proffer any admissible evidence of pretext of discrimination concerning either of the two adverse job actions – first a demotion and later, for different reasons, a termination – that plaintiff experienced, that plaintiff provided no evidence of a severe and pervasive hostile work environment, and no evidence that our clients had interfered with plaintiff's FMLA rights.

On appeal, the plaintiff challenged essentially every aspect of the District Judge's decision. However, despite the lengthy briefing, the appeals panel issued a curt summary order upholding every aspect of the District Court's decision for the reasons set forth in its earlier opinion.

Saiber attorneys Jennine DiSomma and Jakob B. Halpern represented our clients on the appeal before the Second Circuit panel, which was argued by Mr. Halpern. The two were joined on the successful brief by Ryan E. San George.