

Jennine DiSomma and Jakob Halpern Win Summary Judgment for Saiber Client in Discrimination Lawsuit

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Saiber attorneys Jennine DiSomma and Jakob Halpern recently obtained summary judgment on behalf of their client in an employment discrimination lawsuit filed by a former employee. The plaintiff, a long-time employee of the healthcare provider, raised allegations of disability discrimination, retaliation and a hostile work environment under the liberal New York City Human Rights Law, one of the most plaintiff-friendly discrimination laws in the country. The plaintiff, who was diabetic, argued that her employer discriminated and retaliated against her despite its provision of intermittent FMLA leave due to her illness. The defendant responded that her demotion was client-driven due to poor performance, that her termination was necessary due to the loss of her security clearance, and that she did not experience a hostile work environment.

Saiber had previously defended the same client against similar claims filed under federal law by the same plaintiff, garnering summary judgment before District Judge Nicholas G. Garaufis in the United States District Court for the Eastern District of New York and then successfully arguing that plaintiff's appeal to the United States Court of Appeals for the Second Circuit should be denied. After plaintiff filed the present lawsuit, Saiber successfully argued it should be transferred to the same court as her earlier one, and then relied on the earlier decision in arguing that collateral estoppel barred plaintiff from re-litigating her claims because there were no material differences between the key issues. Judge Garaufis, in a detailed opinion, agreed with Saiber's arguments and granted the employer summary judgment on all claims.

Ms. DiSomma and Mr. Halpern were joined on the successful brief by Alexander C. Banzhaf.