

Jennine DiSomma and Jakob Halpern Achieve Another Dismissal of a Discrimination Lawsuit

January 9, 2018

Saiber attorneys Jennine DiSomma and Jakob Halpern recently obtained a dismissal of an employment discrimination complaint filed against their client in the United States District Court for the Eastern District of New York. The plaintiff, a long-time employee of a healthcare provider, raised allegations of national origin, age and gender discrimination, as well as retaliation, over a period of several years. Saiber moved to dismiss the Amended Complaint on the basis that the plaintiff's claims were barred by the statute of limitations and that, even if timely, they did not state a claim for any discrimination whatsoever.

District Judge Brian M. Cogan agreed with Saiber's arguments and dismissed plaintiff's federal and state claims *with prejudice*. In his opinion, Judge Cogan held that none of plaintiff's allegations constituted any discriminatory practices by Saiber's client. Furthermore, Judge Cogan ruled that Saiber's client did not discriminate in terminating its employee because all of the healthcare provider's employees, including the plaintiff, were terminated when the employer's contract at the facility ended.

Saiber had recently prevailed on a motion to dismiss similar allegations filed by the plaintiff's co-employee against the same client in the same Court.

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