

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

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Saiber attorneys Jennine DiSomma and Jakob Halpern recently succeeded in opposing an appeal to the United States Court of Appeals for the Second Circuit in an employment discrimination lawsuit filed by a former employee of Saiber's client. The plaintiff, a long-time employee of the healthcare provider, had raised allegations of disability discrimination, retaliation and a hostile work environment under the liberal New York City Human Rights Law ("CHRL"), 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.

Saiber had previously defended the same client against similar claims by the same plaintiff under federal law, garnering summary judgment before District Judge Nicholas G. Garaufis in the United States District Court for the Eastern District of New York, which was then affirmed on appeal by the United States Court of Appeals for the Second Circuit. After plaintiff filed the present lawsuit, Saiber successfully argued that collateral estoppel from the earlier decision – specifically, that the employer lacked any discriminatory or retaliatory intent in connection with any relevant conduct – should apply, and that such estoppel required the entry of summary judgment on all of plaintiff's CHRL claims.

Dissatisfied with that decision, the plaintiff-employee again appealed to the United States Court of Appeals for the Second Circuit and challenged essentially every aspect of the District Court's summary judgment decision. However, despite the lengthy briefing and plaintiff's arguments that this was a cutting-edge area of the law that, at the least, needed to be further elucidated, Court of Appeals issued a Summary Order affirming every aspect of the District Court's earlier decision.

Mr. Halpern successfully argued the appeal before the Second Circuit. He and Ms. DiSomma were joined on the brief by Alexander C. Banzhaf.