

VERDICTS & SETTLEMENTS

FRIDAY, AUGUST 22, 2003

EMPLOYMENT LAW

Wrongful Termination

Age Discrimination

VERDICT: \$2,500,000

RESULT DATE: Aug. 22, 2003
03-JV_1135

CASE/NUMBER: *Herbst v. Universal Studios Inc.* (BC279076)

JUDGE:
Hon. Paul Gutman
L.A. Superior Central

ATTORNEY:
Plaintiff — Charles T. Mathews,
Jeffrey A. Rager (**Mathews & Rager, LLP, Pasadena**).
Defendant — Tracey A. Kennedy, Melissa Lopez (Sheppard, Mullin, Richter & Hampton, LLP, Los Angeles).

FACTS:
The plaintiff was a 17-year employee of Universal Studios Inc. She was the Director of Entertainment for Universal Studios Japan, and was responsible for setting up the theme park's entertainment department. Her assignment ended when the theme park opened in March 2001, after which she returned to Los Angeles, from Japan, to act as a US-based liaison for the entertainment department. Her title and pay remained the same. After a year in that role, Universal

Studios Japan eliminated the liaison position. The plaintiff was informed that she was being laid off because of financial pressures and budget cuts.

CONTENTIONS:
The plaintiff contended that she was terminated because of her gender and age and for making complaints of gender and age discrimination and harassment. The defendant denied all allegations of age and gender discrimination or harassment or retaliation and contended that the plaintiff was laid off when her position was eliminated, among others, as part of widespread budget cuts.

JURY TRIAL:
Length, 10 days; Deliberation, 11 hours

SETTLEMENT DISCUSSIONS:
The defendant offered \$150,000 at the time of trial.

RESULT:
The jury found for the plaintiff on her claim of gender harassment and awarded her \$2.5 million for lost earnings and emotional distress. The jury found for the defendant on the plaintiff's two claims for wrongful termination (age and gender discrimination), retaliation and age discrimination and harassment.