

VERDICTS & SETTLEMENTS

FRIDAY, APRIL 7, 1995

EMPLOYMENT LAW

Wrongful Termination

Age Discrimination

VERDICT: \$1,200,000

RESULT DATE: April 7, 1995
95-JV_512

CASE/NUMBER: *Donald Sauer v. Ultramar Inc.* (BC100839)

JUDGE:
Hon. Ernest G. Williams
L.A. Superior Central

ATTORNEY:
Plaintiff — Charles T. Mathews (**Mathews & Rager, LLP, Pasadena**).
Defendant — David Kadue (Seyfarth, Shaw, et al., Los Angeles).

TECHNICAL:
Plaintiff — Theodore Vavoulis, economist, Pasadena.

FACTS: On January 20, 1993, Plaintiff Donald Sauer's employment as Defendant Ultramar's manager of security was ended when he was dismissed without warning with a \$21,733 severance package and out-placement services. He was the oldest managerial employee; he had held the position since 1979 (with Ultramar and with the previous employer at the same factory). It was conceded that his performance was satisfactory. The Plaintiff's supervisor was 19 years younger. Plaintiff was 61 years of age at the time of his termination.

Plaintiff contended that Defendants engaged in a pattern of eliminating older managerial employees and terminated Plaintiff without good cause in violation of an implied contract. Plaintiff claimed Defendants practiced age discrimination and breach of contract in his dismissal. Defendants contended that Plaintiff was terminated as part of an overall reduction in force affecting dozens of employees, caused by adverse economic circumstances.

INJURIES:
Emotional distress arising from abrupt termination of employment.

DAMAGES:
Plaintiff sought past and future lost earnings; employee benefits; emotional distress damages; and punitive damages.

SPECIALS IN EVIDENCE:
LOE: \$400,000

JURY TRIAL:
Length, 11 days; Poll, varied, but 9-3 on age discrimination, punitive damages, and breach of contract; Deliberation, 3 days

SETTLEMENT DISCUSSIONS:
Plaintiff contends his demand was \$50,000 and Defendant offered \$15,000. Defendant contends it offered \$25,000 and Plaintiff demanded \$450,000.