

Law Firm News—Successes and Awards

NAMWOLF FIRM WINS TRIAL FOR NAMWOLF SPONSOR



WILSON PETTY KOSMO & TURNER LLP



Claudette Wilson

Claudette Wilson and Meryl Maneker of Wilson Petty Kosmo & Turner LLP, a NAMWOLF founding firm, recently successfully defended GlaxoSmithKline (GSK), an avid supporter of NAMWOLF, in an age discrimination and retaliation case in federal court in Orange County, California. Mark Rome, a former Senior Executive Sales Representative for GSK, was terminated on August 14, 2003 because he had violated an important company policy regarding grants. Rome was 49 at the time of his termination and claimed his age, and a complaint he made after his supervisor raised the policy violation with him, was the basis for his termination. Wilson Petty removed the case to federal court on diversity grounds, and jury was waived by both parties. The trial lasted five court days before Judge James V. Selna of the Central District of California.

The case had a long history. It was originally filed in October 2003, and Wilson Petty obtained summary judgment in March 2005. The summary judgment was partially reversed by the U.S. Court of Appeals for the Ninth Circuit in May 2007 and the case was remanded for trial, which finally went forward on August 12, 2008, five years from the date of Rome's termination.

Anyone who has tried a five-year old case knows the difficulties of finding witnesses, documents and refreshing long dormant recollections. Despite these challenges, the trial was as enjoyable as a trial can be. "A lot of the credit for this has to go to GSK, and more specifically to Rick Richardson, VP and Associate General Counsel, for his dedication to making sure that the trial team had all the tools at their disposal to effectively defend the claim," said Claudette Wilson. "The witnesses were made aware of the importance of the litigation and the need to devote the necessary time to refreshing recollection and preparing for trial. And we were allowed both the time and resources necessary to work effectively with the witnesses."

As a result of this commitment, the case was organized, the lawyers prepared and the witnesses ready. The trial went extremely smoothly, despite a surprise witness who had refused to speak to GSK or Wilson Petty and an independent third party witness favorable to GSK, who the judge described as "evasive" and "combative" and "one of the poorer witnesses to appear before me in almost 10 years on the bench." Rick Richardson, who attended the trial, commented "I have seldom seen a trial team that worked so well together or seemed to enjoy trial so much!" The cross-examination of plaintiff was the highlight of the case. Claudette Wilson was able to completely undermine Plaintiff's claim of discrimination and retaliation and, due to meticulous and painstaking preparation by the trial team, demonstrated that Plaintiff had made significant misrepresentations on his resume, a fact that drew a series of follow-up questions by the Judge. After Claudette Wilson's cross examination of the plaintiff was complete, the unanimous view of the trial team, including Rick, was that she had totally destroyed him. Plaintiff's counsel apparently did not have the same impression and in closing, asked for compensatory damages of \$3.6M, and punitive damages of \$15M, for a total of \$18.6M. At the end of the trial, Judge Selna gave an extensive ruling from the bench finding that GSK had a legitimate business reason for the termination, and there was no evidence of age discrimination or retaliation. The case is now again on appeal to the 9th Circuit, where GSK and Wilson Petty intend to vigorously defend the allegations one more time!



Meryl Maneker