

Lab must pay \$2.73 million to wrongly fired workers

A San Francisco jury has awarded \$2,729,037 to five former employees of the Lawrence Livermore National Laboratory who alleged wrongful termination and breach of their employment contracts. (*Andrews v. Lawrence Livermore Nat'l Sec. LLC*, Cal. Super. Ct., No. RG09453596, 2013)

Superior Court Judge Robert Freedman had selected the five plaintiffs from a larger lawsuit involving 130 former employees of the laboratory, which is operated by a consortium of universities and tech companies on behalf of the U.S. Department of Energy.

The former employees alleged wrongful termination, breach of contract, breach of the implied covenant of good faith and age discrimination.

The case began in 2008 when the lab laid off 430 permanent employees following a reorganization. Their employment contracts had specified that they could only be terminated for "reasonable cause." According to court documents, the laid-off workers were all over age 40. All the plaintiffs had been longtime employees.

Jurors deliberated for seven days before awarding each plaintiff damages ranging between \$242,711 and \$853,010 for past and future economic harms. The lead plaintiff received \$242,711 for breach of the implied covenant of good faith and fair dealing. The jury, however, rejected her claims for breach of contract, retaliation and wrongful discharge. The other four plaintiffs prevailed on claims for breach of contract and the covenant of good faith and fair dealing.

Last October, the judge had dismissed the plaintiffs' intentional discrimination claims and allowed them to amend their complaint to include disparate impact allegations. Accordingly, the verdict in the first phase won't be final until those claims have been adjudicated.

In a statement following the verdict, lab officials said the reduction in force, which also affected hundreds of contractors, "was the unfortunate result of a reduction in federal funding" and that it was "especially grateful for the jury's conclusion that retaliation played no role whatsoever in the selection" of the plaintiffs for layoff.