



\$1.023M Attorney Fee Award

Brown v. Kelly Services Inc.: Lawyers who won an \$847,150 jury verdict in a disabled worker's failure-to-accommodate suit have been awarded \$1,023,130 in enhanced attorneys' fees, costs and prejudgment interest.

Kevin Barber and **Christopher Hager**, of Morristown's **Niedweske Barber**, represented Deborah Brown, 52, in her six-week trial against temporary staffing agency Kelly Services Inc.

Brown had worked for Kelly Services about 12 years, most recently as a branch manager. In 2000, shortly after being diagnosed with multiple sclerosis, she asked for ergonomically designed office equipment and fewer sales calls. According to the suit, the company declined the equipment request and in fact increased the calls, and in 2003, her position was eliminated.

In March, a Middlesex County jury found the termination discriminatory and awarded her \$47,150 for lost wages and \$800,000 for pain and suffering and loss of enjoyment of life.

On July 23, Superior Court Judge **Jessica Mayer** entered a final judgment that included \$848,431 in enhanced attorneys' fees, \$106,416 in prejudgment interest and \$68,283 in costs under the N.J. Law Against Discrimination.

John Bennett and **Joseph DeBlasio** of Roseland's **Connell Foley**, who represented Kelly Services, did not return calls for comment. Hager says the company denied that Brown had requested accommodations for her disability.

Hager, who had sought fees of more than \$1 million, says he and Barber are satisfied with Mayer's decision to modify their request by more than \$200,000. "The judge was very thorough," says Hager. "She went through our time sheets."

Hager adds that he expects Kelly Services to appeal both the verdict and the fee award. An appeal must be filed by Sept. 5.

— By Lisa Brennan