

Lawyer's fees \$877G in bias suit
SETTLED: Fired worker sued Madison board
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MADISON – An ex-employee of the borough Board of Education who has multiple sclerosis sued the district for discrimination in January and reached a confidential settlement in February.

A judge last week ordered the district to pay the former employee's attorneys' fees, too - \$877,303.72.

The Daily Record requested the terms of the February settlement, but the district on Monday would say only that it is required to pay \$10,000 toward the settlement while its insurance through the state School Alliance Insurance Fund will cover the rest.

The plaintiff's in the case, former accounts payable secretary Joan Briel, was in charge of paying the district's bills from the time she was hired in 2005 until she was fired on Feb. 14, 2007, according to her complaint, which was filed in Union County, where she lives. The plaintiff's attorney said a confidentiality agreement in the settlement prevented him from revealing how much his client received.

Briel, diagnosed with MS in 2002, said her supervisor made comments about her drinking alcohol because she slurred her speech and had balance problems, which she said were symptoms of her illness, which affects the nervous system.

She said the Madison defendants – specifically her supervisor, Business

Administrator Charles Milewski "retaliated" against her by "inappropriately increasing her workload, repeatedly berating her and failing to take action on her requests for reasonable accommodation," such as asking her to work on the first floor instead of the third floor. The suit also cited Superintendent Richard Noonan for not taking actions on her complaints. Both Milewski and Noonan left the district over the summer.

She said the stress of the work environment caused her to relapse and she was fired while on medical leave.

She sued in January and the case was headed for a jury trial in February when the settlement was reached.

"The parties amicably resolved their differences before the Honorable Kathryn A. Brock," according to the judgment order issued by Brock last Tuesday in state Superior Court.

The district's new business administrator, Gary Lane, said the district paid a \$10,000 deductible while insurance covers the rest.

Briel had asked for back pay, front pay, compensatory damages and punitive damages, as well as attorney's fees and legal costs when she sued.

Her attorney, Christopher Hager, of the Morristown firm Niedweske Barber, said Briel is a good person.

"She was courageous, too," he said. "she went to the superintendent after the B.A., and they turned their backs on her."

Madison School Board President Lisa Ellis said the settlement was reached months ago, and referred questions about the case to the board's attorney, Vito Gagliardi.

The (school) year's gotten off to a wonderful start, and we're happy to have (interim Superintendent) Jim Dwyer and Gary Lane here," Ellis said.

Gagliardi said the district's insurance carrier hired attorneys other than himself to handle the case, and chose to reach settlement in which the board did not admit to any liability. Messages were left with Noonan and Briel, and attempts to reach Milewski weren't successful.

Hager said the judge awarded \$660,690 for the attorneys' fees based on the "extensive amount of work" required before trial, and then increased fees by 25 percent, or \$166,672.50, because of the length of time required to resolve the case and the risk the former employee's attorneys took if they did not win the case, which they handled on a contingency basis. The judge also awarded \$43,941.22 in costs that Niedweske Barber gave Briel in advance because she couldn't afford to pay them, Hager said.