

THE ZAPPIA LAW FIRM

A Professional Corporation

— *Labor & Employment* —
Defending Management's Rights

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RE: ZLF 7 SHORT Depressing Summaries of Recent CA Cases

Happy Thursday employers, managers, clients, and friends:

In case you were feeling good at work today, here are some mood-killing short summaries of recent CA employment cases:

1. **\$80,000,000 Sacramento Jury Verdict** to 3 employees who alleged they were wrongfully terminated for time theft. The employees contended they had taken approved paid days off work provided as a performance incentive. The jury clearly severely believed the Plaintiffs and awarded each of them over \$26,000,000, including \$25,000,000 in punitive damages. (*Melinda Brantley, Nicholas Lardie, Daniel Koos v Zurich American Insurance Company*, SCSC Case No. 34-2018-00246315 (April 19, 2024) (**Note**: Plaintiff's counsel is a significant factor to consider in defending and evaluating any employment case. Plaintiff's attorney Lawrence Bohm is a former employment defense attorney who has gone on to win many huge Plaintiff-side jury verdicts.)
2. **\$4.5 Million Los Angeles Jury Verdict (Retaliation)** A Los Angeles jury awarded \$4.5 million to a retired LAPD Sergeant who alleged he was subjected to harassment and retaliation after reporting another officer falsely claimed overtime. Sergeant Randy Rangel alleged that after he reported the misconduct he was removed from his position, harassed, and his complaint was not investigated. (*Rangel v City of Los Angeles*, LASC Case No. 22STCV34806 (June 14, 2025))

3. **EMPLOYER IGNORANCE of the Law Won't Establish Good Faith Defense to Unpaid Wage Claims**: The California Supreme Court just ruled that an employer (good faith) ignorance of wage laws will not establish a good faith defense to avoid liquidated damages in an unpaid wage case. The employer must show it made reasonable attempts to determine the requirements of governing wage laws. (*Iloff v LaPaille* 8/1/2025, ___ Cal.5th ___, Cal. S.C. No. S275848) (**Note**: Not allowing ignorance of the law as a good faith defense may seem obvious, but many employers and managers do not and cannot possibly know all applicable wage laws.)
4. **BAD ROBOT! AI is Coming to Employers - And Employers Will Be Responsible for It**: Beginning October 1, 2025, employers will be required to implement record-keeping of all “Automated Decisions Systems” (ADS) employment decisions, and, to conduct “anti-bias” testing on ADS/AI employment decisions. New CA regulations assert that an employer can be held liable for discrimination for employment decisions made by AI or ADS. (**Note**: It would have seemed difficult to prove that an employer/manager had intentional discriminatory intent for a decision made by an automated system, but not so in California. Moreover, good faith mistake is typically an affirmative defense against a claim of intentional discrimination or retaliation, but apparently not in this context.)
5. **\$425,000 Illinois Religious Discrimination Jury Verdict (COVID-19 Vaccination)** – A Chicago Transit Authority electrician refused to take a COVID-19 vaccine derived from aborted fetal cells based on Catholic religious beliefs. A jury found it was religious discrimination for the CTA to deny his request for a religious exemption - and then terminate him for refusal to take the vaccination. McCormick proved that allowing him the exemption was not a “substantial burden” on the employer because he had minimal interaction with the public. (*Kevin McCormick v Chicago Transit Authority*, August 2025)
6. **ZLF TIP of the Day: DO NOT it in an email or text**. Too many cases to cite about extremely damaging emails surfacing in discovery.
7. **Let's Part Ways on a Happy Note: Los Angeles Jury DEFENSE VERDICT (Retaliation)**: LAPD Officer Mario Cardona alleged he was transferred from the

Gang Unit to Patrol, and subjected to an internal affairs discipline complaint, after he refused to rescind a parking ticket for his Captain. LAPD contended the transfer was due to his domestic dispute with police response, an excessive force verdict against him, rude conduct with the public seen of body cameras, and the transfer was routine and not adverse to him. The jury rejected Cardona's allegations of whistleblower retaliation and entered a defense verdict. It was reported the parties had reached a settlement agreement for \$950,000, but Cardona backed out of it. haha (*Cardona v City of Los Angeles*, LASC Case No. 22STCV17208 (June 11, 2025) (**Note**: Sounds like the LAPD had a lot of legitimate non-retaliatory reasons for its decisions, and the jury agreed.)

THE ZAPPIA LAW FIRM has defended employer and management rights since 2008. Ed Zappia has represented public and private employers and management for over 30 years in a wide array of employment and labor law matters including: litigation and trial of harassment, discrimination, retaliation, wrongful termination & wage/hour cases; appeals; workplace/personnel investigations; professional trainings; police and fire law & discipline; collective bargaining negotiations; and union and employee grievances and arbitrations.

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Sincerely,

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