

THE ZAPPIA LAW FIRM

A Professional Corporation

— *Labor & Employment* —

Defending Management's Rights

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RE: ZLF's 7 SHORT Summaries of More ASTRONOMICAL CA Employment Verdicts (Spooky October Issue)

Happy Thursday employers, managers, clients, and friends:

Here are more ZLF's SHORT summaries of some astronomical spooky employment jury verdicts for October! (I wouldn't read this right now if you're feeling vulnerable today.)

1. **\$464,000,000 Los Angeles Jury Verdict on Claim of Retaliation for Reporting Sexual and Racial Harassment:** Plaintiffs alleged they were forced out of their jobs at SCE with unwarranted complaints and investigations against them after reporting workplace sexual and racial harassment. It would appear the jury strongly agreed, awarding the two Plaintiffs \$24,000,000 in compensatory damages, and \$440,000,000 in punitive damages. (*Martinez and Page v SCE*, LASC Case No. BC670461 (June 2022) (**Note:** Um, that's a pretty big employment retaliation verdict for only 2 plaintiffs.)
2. **\$237,600,000 Jury Verdict in Employment Racial Harassment and Discrimination Case - DENIED:** A Washington State jury awarded Black former UPS truck driver Tahvio Gratton \$237.6 million (\$198 million in punitive damages) on his retaliation and race discrimination claims, finding he was wrongly subjected to repeated layoffs in favor of less senior white drivers. However, the court first struck the \$198 million punitive damages award entirely, finding insufficient

evidence of malice by the decision-makers. The Court then struck the remaining \$40,000,000 award based on Plaintiff's counsel's misconduct, **wiping out the entire verdict! Haha.** (*Gratton v. United Parcel Service, Inc.*, Case No. 1:22-cv-03149-TOR (E.D. Wash., 2025) (**Note**: I'll bet there were still some pretty tense discussions after the verdict, before it was reversed.)

3. **\$155,000,000 Los Angeles Jury Verdict in Retaliation-Wrongful Termination Claim**: A Los Angeles jury awarded former Farmers Insurance Exchange executive Andrew Rudnicki \$5.4 million in compensatory damages and \$150,000,000 in punitive damages after he was fired for participating in a pay equity class action against Farmers. The \$150 million punitive damages award was later reduced to "only" \$19 million, for a total verdict of \$24.4 million. The \$24.4 million verdict was affirmed on appeal. (*Rudnick v Farmers Insurance Exchange*, LASC Case No. BC630158, Appeal No. B321691) (2024)
4. **\$70,000,000 Race Discrimination Verdict**: A Texas jury awarded 10 Black IT employees \$7,000,000.00 apiece on their allegations of workplace mistreatment, harassment, demotions, or termination because of their race. (*Yarborough v Glow Networks*, USDC, E.Dist.TX, Case No. 4:19-cv-00905-SDJ, 2022) (**Note**: Huge verdicts have become common in California, but this was unusual in Texas!)
5. **\$41,500,000 Los Angeles Jury Whistleblower Retaliation Verdict**: A Los Angeles jury awarded a nurse \$41.5 million for whistleblower retaliation when she was terminated after raising patient safety concerns: \$2.5 million in lost earnings, \$9 million in emotional distress damages, and \$30 million in punitive damages. Kaiser alleged Plaintiff was terminated after she was caught on video engaging in unsafe prenatal care practices and for lying about it during an investigation interview. The jury obviously again seriously believed the Plaintiff. ([*Gatchalian v. Kaiser Foundation Hospitals*](#), LASC Case No. 21STCV15300 (2023))
6. **15,400,000 Los Angeles Jury Verdict on Employment Age and Disability Discrimination Claims** - A Los Angeles jury awarded \$5.4 million in compensatory damages and \$10,000,000 in punitive damages to a former Jack in the Box employee who alleged she was subjected to disability discrimination and retaliation after she terminated after complaining of sexual harassment and

workplace injury. for claims including age and disability discrimination, hostile work environment, and retaliation on her all. On appeal the Court reversed the punitive damages award but affirmed the \$5.4 million compensatory damages award. (*Ramirez v Jack in the Box*, LASC Case No. BC620619, Appeal No. B297491.) (**Note:** \$5.4 million still seems like a lot of compensatory damages for a \$20 per hour employee.)

7. **\$14,700,000 Los Angeles Jury Verdict for Wrongful Termination and Gender Discrimination**: A Los Angeles jury delivered a verdict of \$14.17 million (\$1.17 million in lost earnings and \$13 million in emotional distress damages) in a wrongful termination and gender discrimination case. A former branch manager of a bank alleged she was fired because she took medical leave to care for her ill husband. The bank contended she was fired for using her position to abuse subordinate employees, including putting her hands on one of those employees on at least three occasions (*Sosa v. Comerica Bank*, LASC Case No. BC675252) (2023) (**Note:** It appears the jury again strongly agreed with the Plaintiff and not the employer.)

Well, that was brutal, so let's include some recent cases where CA employers prevailed:

8. **No Employer Liability For Employee's Off Premises Sexual Harassment Unrelated to Work**: A female employee severely sexually harassed a male employee off work premises, sending him nude photos, showing up at his home, and crudely propositioning him for sex. He reported it and the employer took no action because it was off premises. The Court found the employer was not liable for its employee's sexual harassment because it occurred off work premises and was unrelated to work or work events. However, the Court did allow Plaintiff's hostile work environment claim to proceed because he alleged the off-duty harassment severely impaired his work environment. (*Kruitbosch v BRS* 90 Cal.App.5th 1258 (9/8/25))
9. **No Employer Liability for Elected Official's Retaliation Claims**: Elected City Treasurer Wanda Brown reported concerns about financial improprieties to the City Council. She alleged she was then retaliated against with removal of duties, reductions in pay, and being locked out of her office. The Court dismissed Brown's claim of whistleblower retaliation under CA Labor Code section 1102.5 because she

was not an “employee,” as required by the statute. The Court held that elected official report to the electorate and not the City and must find other avenues to alleged retaliation. (*Brown v City of Inglewood*, 7/7/25, 18 Cal.5th 33)

10. **District Officials Immune from Liability Against Clams of Disability Discrimination and Failure to Accommodate:** A school district denied Plaintiff/employee's request for accommodation of 100% telecommuting because of her alleged inability to receive a COVID 19 vaccination. The Court held public officials enjoy immunity from suit for discretionary decisions involving preventing or controlling disease in the community. (*Allos v Poway Unified School District* (6/24/25) 112 Cal.App.5th 822)

THE ZAPPIA LAW FIRM has defended employers and management's rights in employment and labor law and litigation 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; administrative hearings and arbitrations; professional trainings; police and fire law & discipline; labor negotiations and disputes; and union and employee grievances and arbitrations.

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Sincerely,

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