

EMPLOYMENT LAW360

Portfolio Media, Inc. | 648 Broadway, Suite 200 | New York, NY 10012 | www.law360.com
Phone: +1 212 537 6331 | Fax: +1 212 537 6371 | customerservice@portfoliomediamedia.com

Jury Awards Man Who Refused To Fire Workers \$46M

By **Ryan Davis**, ryan.davis@portfoliomediamedia.com

Portfolio Media, New York (July 9, 2008)

A general manager for waste collection company **Republic Services Inc.** who was terminated after he refused to fire his three oldest employees has been awarded \$46.6 million by a Cleveland jury.

Ronald Luri claimed in his lawsuit that the company's area president told him in October 2006 to fire the employees, all of whom were about 60 years old and one of whom was disabled. Luri objected, saying that they were good performers and that firing them would constitute age and disability discrimination.

Shortly afterwards, Luri was written up by his supervisors for not holding enough staff meetings, and was fired for inadequate job performance in April 2007.

Luri filed his lawsuit alleging wrongful termination in August after Republic Services enforced a noncompete agreement that prevented him from getting a job at a competing company.

Following a two-week trial, the jury found unanimously on July 3 that Republic Services and Luri's supervisors wrongfully terminated him and unlawfully retaliated against him. Luri was awarded \$3.5 million in compensatory damages and \$43.1 million in punitive damages, along with yet-to-be-determined attorneys' fees.

Local media in Cleveland reported that it was the largest jury verdict in Ohio's history.

A key piece of evidence in the trial was a falsified document produced by Republic Services that purported to show that there had been complaints about Luri's performance in September 2006, before he objected to firing the employees.

Luri's attorneys were able to show through computer forensics that while the document in question was created in September, it originally contained no criticisms about Luri's performance and was altered to include them only after Luri filed his lawsuit. Luri's supervisors admitted to the falsification during the trial.

"I think I've been vindicated," Luri told the Cleveland Plain Dealer after the verdict. "I stood up for the rights of my employees and I was penalized for it."

A spokesman for Republic said the company was shocked by the verdict and planned to appeal.

"This case is certainly a poster child for legal reform in terms of cases where juries don't consider the facts and present wildly outrageous awards," said Will Flower, Republic's vice president of communications. "We certainly did not discriminate against this employee and we continue to believe that the case is completely without merit."

Republic has recently announced that it is merging with **Allied Waste** Management to create the nation's second-largest waste services company. It employs 13,000 workers in 21 states, and had \$3.2 billion in revenue last year.

Haber Polk LLP represented Luri in this matter.

Baker & Hostetler LLP represented Republic Services.

The case is Ronald Luri v. Republic Services Inc. et al., case number cv-07-633043, in the Cuyahoga County Court of Common Pleas.

All Content Copyright 2007, Portfolio Media, Inc.