

**(PRACTICE AREA)**

Employment Law and Litigation

Burke Secures Jury Verdict in Race Discrimination Case

SITUATION

A city's code enforcement officer voluntarily resigned his full-time position to take a higher-paying full-time position at another city. When the officer was not selected by his prior employer for re-hire on its graveyard shift, he sued for race discrimination.

CHALLENGES

The code enforcement officer was highly-qualified for the graveyard shift and had more experience than other applicants. Just prior to his voluntary resignation, he engaged in misconduct that caused his supervisors to lose trust in him. However, the officer was never disciplined for the misconduct. Additionally, his attorneys attempted to present "me too" evidence of similar alleged discrimination by several former employees.

PROCESS

After securing summary adjudication of the officer's other employment claims, the case proceeded to trial on the sole remaining race discrimination claim. The city prevailed on multiple motions *in limine* to exclude the proposed "me too" evidence and several collateral issues raised by the employee during discovery.