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Gibson Dunn Secures Comprehensive Victory for Bloomberg BNA in Multi-Week Jury Trial

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Gibson Dunn secured a comprehensive victory for Bloomberg BNA in a multi-week Los Angeles Superior Court jury trial brought by a former legal-products sales employee. The plaintiff brought claims of sex and pregnancy discrimination, failure to prevent discrimination, and constructive termination/discharge against Bloomberg BNA, seeking both economic and emotional distress damages. The Court granted nonsuit in Bloomberg BNA's favor on the failure to prevent discrimination claim, and the jury found in Bloomberg BNA's favor on the remaining causes of action, awarding no damages.

The plaintiff alleged unfairness in assigned sales territories, commissions, compensation plans, maternity leave timing, and post-leave assignments. Specifically, the plaintiff claimed that after she announced her pregnancy, she was removed from her role and put in another one, but the facts clearly demonstrated that she had not performed well in her existing role and had enthusiastically accepted the new role. She also claimed that upon her return, she was again moved into a different role based on her pregnancy that resulted in her "inability" to earn commissions as a single mother, but the facts demonstrated a different reality.

Gibson Dunn's strategy included highlighting the substantial evidence of support the plaintiff received from multiple managers despite her poor performance and lack of initiative, while also demonstrating the plaintiff's lack of credibility. These strategies helped keep the jury focused on the absence of any adverse action or causation of harm telling a consistent story regarding the plaintiff's performance and Bloomberg BNA's business needs through all witnesses, including the plaintiff. A very clear pattern emerged that the plaintiff's story at trial was inconsistent with her statements and actions during her employment, eviscerating her credibility. The case is a strong example of how disciplined trial strategy can overcome a sympathetic narrative and a complicated factual record.

The Gibson Dunn team included partners Michele L. Maryott and Marcellus McRae and associates Allison Mather, Eleni Ingram, Kathryn Chevalier, Haley Denler, and Daniel Liu.

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