GIBSON DUNN

# Gibson Dunn Wins Motion for New Trial, Wiping Out $237.6 Million Verdict Against UPS

Firm News | February 26, 2025

A Gibson Dunn team secured a victory for client UPS when the Eastern District of Washington granted UPS's motion for new trial and wiped out a $237.6 million jury verdict against UPS in a single-plaintiff retaliation and wrongful termination case. UPS hired Gibson Dunn to handle post-trial motions and appeal after a jury in Yakima, Washington issued an adverse verdict following a trial handled by another law firm. The plaintiff, a former UPS driver, was awarded $39.6 million in compensatory damages solely for emotional distress and $198 million in punitive damages. The plaintiff had been terminated after an investigation substantiated allegations he had sexually assaulted a co-worker. But the plaintiff, who is African American, claimed the termination was retaliation for a series of complaints he had filed about his working conditions and about alleged racial discrimination and harassment. The Gibson Dunn team quickly digested the trial record in a matter of days and set out to attack the punitive damages award and the verdict more broadly. In just a week after they were hired, Gibson Dunn filed a renewed motion for judgment as a matter of law challenging the punitive damages award. The Court granted that motion, holding that no reasonable jury could have found UPS acted with malice or reckless indifference as required for punitive damages. The Gibson Dunn team then continued its attack on the verdict, filing a motion for new trial on the grounds that, among other things, Plaintiff's counsel's misconduct during the trial led to an outsized $39.6 million damages award solely for emotional distress. The Gibson Dunn team included partners Theane Evangelis and Blaine Evanson, and associates Madeleine McKenna, Josh Zuckerman, and Minsoo Kim. The case is *Gratton v. United Parcel Service, Inc.*, No. 1:22-cv-03149-TOR (E.D. Wash.)

## Related People

Theane Evangelis

Blaine H. Evanson

Madeleine F. McKenna

Minsoo Kim

## Related Capabilities

Labor and Employment

© 2026 Gibson, Dunn & Crutcher LLP. All rights reserved. For contact and other information, please visit us at <a href="https://www.gibsondunn.com">www.gibsondunn.com</a>. | **www.gibsondunn.com**