

THE
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Portland Jury Awards \$1 Million to Whistleblower

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On January 17, 2018, a Portland, Oregon jury issued a verdict of \$1 million in damages to a former employee who alleged that his employer retaliated against him for reporting misconduct. *Zwezig v. Northwest Direct Teleservices, Inc.*, 15-cv-02401 (D. Or. 2018).

Plaintiff worked for Defendant from 2001 to 2003. After his employment was terminated, he filed suit against the Company and certain officers alleging he was discharged in retaliation for reporting the overbilling of clients to the Oregon Department of Justice and the Lane County, Oregon District Attorney. Plaintiff prevailed at arbitration on a claim under ORS 659A.230 (Discrimination for Initiating or Aiding in Criminal or Civil Proceedings Prohibited) and wrongful termination, and after judgment was entered in his favor, Defendants allegedly failed to satisfy the judgment.

After allegedly being unable to collect on the arbitration judgment, in 2014, Plaintiff filed suit in the U.S. District Court for the District of Oregon alleging that Defendants had engaged in fraud to prevent him from enforcing the arbitration judgment. Shortly after filing suit in 2014, Plaintiff alleged the owner of his former employer began to spread false information about him on a blog. On December 24, 2015, Plaintiff filed another lawsuit against his former employer and its owner alleging that they violated: ORS 659A.230; ORS 659.199 (Prohibited Conduct by Employer); and ORS 659A.030(1)(f) (Retaliation for Opposing Unlawful Conduct and Aiding & Abetting in the Same) as a result of the aforementioned alleged conduct. After a two day jury trial, the jury found that the Company's owner had "aided and abetted [the Company] in retaliating against Plaintiff," and awarded Plaintiff \$1 million in non-economic damages.

This case highlights the risk that a company may be found to have engaged in whistleblower retaliation after the employment relationship has ended.

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