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Two Recent Jury Verdicts Award \$6 Million and \$7.97 Million To Wrongfully Terminated Employees

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Two recent verdicts from California Superior Court juries have awarded former employees \$6 million and \$7.9 million, respectively, in compensatory damages after a finding of wrongful termination.

Martinez v. Rite Aid Corp.

On March 27, 2018, a Los Angeles County Superior Court jury found Rite Aid Corporation liable for just over \$6 million after deciding that it had wrongfully terminated a 23-year employee. Plaintiff Maria Martinez had worked for Rite Aid as a licensed pharmacy technician. In 2004, Plaintiff suffered an incident at work which caused her to have an emotional reaction and be transported to the hospital. After returning to work following medical leave, Rite Aid transferred Martinez to four different stores over a 2-1/2 year period.

In 2007, Martinez filed an administrative charge with the U.S. Equal Employment Opportunity Commission alleging workplace discrimination and harassment. Specifically, she alleged that her direct supervisor had directed derogatory remarks toward her, calling her “crazy,” “psycho,” and “too old,” and threatened that he would “take care of her.” Plaintiff also sent a letter to Rite Aid’s CEO detailing the alleged workplace discrimination and harassment. Four days later, Plaintiff was suspended by the company and then terminated shortly thereafter for her alleged poor work performance and attitude.

The case was originally tried in August 2010 with a jury awarding Plaintiff \$3.4 million in compensatory damages and \$4.8 million in punitive damages. Rite Aid appealed the verdict and the court of appeal reversed the judgment, ordering a new trial. In 2014, the jury ruled for Plaintiff again but with an award of only \$321,000 in compensatory damages. Plaintiff appealed that verdict and the court of appeal again reversed the judgment and ordered a new trial on a finding that the special verdicts were inconsistent as a matter of law. The final trial resulted in this judgment from March of 2018.

Ortiz v. Chipotle Mexican Grill

On May 10, 2018, a Fresno County Superior Court jury found Chipotle Mexican Grill Inc. liable for wrongfully terminating one of its former general managers, awarding her \$7.97 million in compensatory damages. Plaintiff Jeanette Ortiz had been terminated in January 2015 for allegedly stealing \$626 from the restaurant’s safe. Chipotle claimed it had video evidence proving the theft, but when Ortiz asked to see the video, Chipotle declined to produce it – in fact, the video evidence had been taped over. Further, there was conflicting testimony at trial as to when Ortiz allegedly stole the money with one former Chipotle employee claiming he saw the money in an envelope a day after the alleged theft took place.

After deliberating for less than one day, the jury found that Ortiz was a victim of a scheme by Chipotle to terminate her as a result of her having filed a workers’ compensation claim for a job-related wrist injury one month earlier. Ortiz’s termination occurred while she was on medical leave for her injuries. (By the way, this was the fourth workers’ compensation claim Plaintiff had filed while employed with Chipotle.)

The jury awarded Ortiz \$1.97 million for lost past and future earnings and \$6 million for alleged emotional distress damages. Ortiz alleged that she suffered from anxiety, humiliation, loss of sleep, and a general feeling of



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worthlessness as a result of the termination.

Notably, the parties are scheduled to return to court on Monday, May 14, 2018, to conduct the punitive damages stage of the trial. Plaintiff may recover punitive damages following the jury's determination that managing agents of Chipotle acted with malice in terminating her employment. Plaintiff was earning \$70,000 annually at the time of her termination. Chipotle has already announced plans to appeal the ruling.

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