

THE
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Another Gargantuan California Verdict... This Time for \$18.6 Million

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A San Diego jury awarded that amount to a former employee who claimed he was wrongfully terminated based on his arrest record and then defamed.

Michael Tilkey worked for Allstate Insurance for 30 years and was fired from his job as a field sales leader after he admitted to Allstate that he was arrested for domestic violence against his then-girlfriend. Although Tilkey was not convicted of the charges, the company investigated the matter and concluded that Tilkey violated its policy against physical harm or violence and terminated his employment.

Tilkey filed suit in San Diego Superior Court, claiming, among other things, that Allstate impermissibly considered his arrest record when deciding to terminate his employment and that he was forced to defame himself when telling prospective employers about the reason he was terminated – a so-called “self-published defamation” claim. He additionally sought damages for lost past and future wages, emotional distress, and reputational harm.

After a week-long trial, a jury sided with Tilkey and awarded him nearly \$2.7 million in compensatory damages, consisting of approximately \$960,000 for wrongful termination and \$1.7 million for defamation.

The jury then awarded Tilkey an additional \$16 million in punitive damages, for a total verdict exceeding \$18.6 million.

Not to sound like a broken record—but arbitration agreements, anyone?

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