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Wrongful Termination

Failure to Pay Compensation

VERDICT: \$474,000.

CASE/NUMBER: Lloyd v. Conseco /
CV0010452MMM.

COURT/DATE: USDC Central / Oct. 29,
JUDGE: Hon. Margaret M. Morrow.

ATTORNEYS: Plaintiff - Mark Weidmann (Law Offices of Mark Weidmann. Los Angeles).
Defendant - B. Scott Silverman. Michael S. Chamberlin (Morrison & Foerster, LOS Angeles)

TECHNICAL EXPERTS: Plaintiff - Tamorah Hunt, economist. Santa Ana.
Defendant - Robert Wunderlich, economist, Los Angeles.

FACTS: The plaintiff was a loan originator for the defendant and earned a salary plus commission. The plaintiff originated a loan, which subsequently was funded. However the defendant refused to pay the plaintiff a commission, contending that final approval had not been obtained for the loan before the funds were released to the clients. The plaintiff complained that she had not been paid. The commission and she informed the defendant of her intent to file a complaint with the Labor Commission. The defendant terminated the plaintiff.

The plaintiff contended that she had been terminated for complaining about not receiving her commission and for informing the defendant of her intent to file a complaint with the Labor Commission.

The defendant contended that the plaintiff had been terminated for poor loan production and for failing to produce \$250,000 for three consecutive months.

JURY TRIAL: Length, four days; poll, 8-0.

SETTLEMENT DISCUSSIONS: The defendant offered \$40,000 and the plaintiff made a demand of \$350,000.

THE RESULT: The jury found for the plaintiff on wrongful termination. and awarded \$61,000 for loss of earnings; \$38,000 emotional distress and \$375,000 in punitive damages.