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## Court Rules for Metro in \$1.7 Million Age Discrimination Lawsuit

(Nov. 15, 2006) The California Court of Appeal ruled in favor of Metro in an age discrimination lawsuit, earlier this month, and reversed a trial jury verdict that would have given almost \$1.7 million to a former employee.

Warren Fu, former Director of Facilities Engineering, had sued the agency in March 2004 alleging that he had been wrongfully terminated based on age discrimination. He also alleged that he had been discriminated against based on age when he sought to be rehired by the agency.

The court ruled, however, that Fu had signed a valid waiver of his state law claims in May 2003 when he accepted severance pay, service credit and other benefits. The court also found there was no substantial evidence proving that he had been discriminated against when he was not rehired. Metro was awarded its costs for the appeal.

Fu, who joined the SCRTD in 1975, was told in April 2003, when he was 65, that his position would be abolished as part of an agency-wide reduction in force.

Before the layoff took effect, he applied for three other jobs within Metro but wasn't hired for any of them. One position opening was cancelled and Metro determined other candidates were more qualified to fill the two remaining positions.

The court agreed that Metro had not discriminated against Fu when it cancelled one of the positions. The court also agreed that the candidates Metro selected were more qualified than Fu for the other two jobs.

"There are approximately 10 other cases currently pending against the MTA filed by the same attorney and based on the same now discredited legal theory..." according to Assistant County Counsel Charles Safer. "The Court of Appeal decision in this matter should help to resolve those other cases in MTA's favor."

