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## Former Employee Ordered to Pay Some Costs of 'Frivolous' Suit Against Metro

- Employee claimed disability discrimination; Metro cited poor job performance

(June 13, 2007) A former employee will have to pay \$150,000 toward Metro's attorney's fees in a disability discrimination case a Los Angeles Superior Court judge called "frivolous, unreasonable or without foundation."

The case began in February 2002, when William S. Trisler, then 51, of Covina applied for a job as a Metro Rail maintenance specialist. He was hired in September 2002, but was fired that December for poor job performance.

In August 2005, Trisler sued Metro for failing to accommodate his physical disability and for allegedly discriminating against him by firing him because of the physical disability.

In his ruling, Judge Richard L. Fruin found that prior to being hired by Metro, Trisler was jailed on assault and battery charges. He later pleaded no contest to the charges, was found guilty and sentenced to three years' probation. He spent 13 weekends in jail and was ordered not to drive a vehicle.

According to court records, Trisler also was under a doctor's medical restrictions that prohibited "repetitive squatting, climbing, kneeling, crawling or prolonged standing and walking." Rail maintenance specialists frequently must climb in and out of train cars and are constantly standing and moving about.

### Denied his criminal history

The court found that during the recruitment process, Trisler signed a Metro form denying that he had a criminal history. He also failed to reveal his medical problems during the job induction physical – nor did he request a job accommodation due to physical limitations.

Fruin's ruling said Trisler knew "he had a physical disability (that) he did not reveal" and that "he knew he was facing a criminal trial but he told MTA that he was not."

The judge said documents provided by both Trisler and Metro "provided no support for (Trisler's) discrimination claims, and showed (he) was discharged for poor job performance."

Following a three-day trial that ended April 20, the jury found in favor of Metro. Fruin issued his ruling June 4 ordering Trisler to pay \$150,000 of Metro's \$179,900 in attorney's fees. Metro will return to court in July to

seek court costs in the case, according to Mary Reyna, principal deputy county counsel.

Noting that the relationship between an employer and employee "requires candor and communication from both," Fruin wrote, "Mr. Trisler was not candid with the MTA."

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