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RESULT DATE:

Joanne Limneos v. Science Applications International Corporation (73 160 00118 06 LMT)

Arbitrator Harris E. Kershner
Case Not Filed

EMPLOYMENT LAW

Wrongful Termination
Sex Discrimination and Tameny Claim

ARBITRATION: \$500,000

ATTORNEYS:

Claimant - Terry J. Chapko (Law Offices of Terry J. Chapko, Coronado); David P. Strauss (Law Office of David P. Strauss, San Diego).
Respondent - Mary Catherine Dollarhide, Kerri N. Harper (Paul, Hastings, Janofsky & Walker, LLP, San Diego).

FACTS: Claimant Joanne Limneos was hired in 1998 to manage a group of engineers for respondent Science Applications International Corporation's (SAIC) operational support group, which was responsible for installing, maintaining and upgrading computer networks at military health facilities worldwide.

In June 2003, Tripler Army Medical Center in Hawaii experienced 37 hours of computer downtime.

According to claimant's counsel, respondent initially and through a "final" report failed to alert the government that the root cause for the downtime was a hardware failure. Instead it reported the downtime to the government and identified an error that claimant admitted was made by her group during a system upgrade as a contributing factor. In fact any error made by claimant's group contributed in no way to the downtime. Only after claimant and others insisted that the respondent's reports to the government were untruthful did respondent submit a second "final" report identifying that the root cause of the downtime was hardware failure. Claimant was later removed from her management position at the request of one government official who had advocated that the hardware not be blamed for the downtime. Respondent had no duty to remove claimant pursuant to this official's request.

According to respondent's counsel, the company's initial communication to the government noted a hardware failure at the Tripler site; no mention of any error by claimant's work group was mentioned at that time. However, as additional information became available, follow up reports referenced an error admittedly made by claimant's work group during a system upgrade at Tripler. That error was later listed as a "contributing factor" to the downtime. In the last report given to the government regarding the Tripler incident, the hardware failure was listed as the root cause of the downtime. The government later expressed a lack of confidence in claimant's oversight of her work group and asked that she be removed from the contract. Claimant continued on payroll for a number of months. She was ultimately laid off when she failed to obtain a new contract assignment.

CLAIMANT'S CONTENTIONS: In arbitration, claimant alleged that her removal was the result of sex discrimination, and in response to her continued objection to the characterization of her group's actions as contributing to the Tripler downtime. Claimant asserted that respondent's own engineering experts had determined that the downtime was due to faulty and obsolete equipment.

RESPONDENT'S CONTENTIONS: Respondent defended on the grounds that the government demanded claimant's removal based on the performance of claimant's group, and that she thereafter failed to obtain an alternative assignment, resulting in her layoff.

RESULT: On the first count for sex discrimination, the arbitrator found for SAIC. On the second count, the Tameny claim, the arbitrator found for claimant and awarded \$500,000 (\$350,000 lost wages; \$150,000 emotional distress damages). Attorneys' fees were not awarded.