



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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For Immediate Release

**“TIRELESS” LABOR & EMPLOYMENT LAW DIVISION
SCORES FOUR VICTORIES IN FOUR CASES
IN ONE WEEK;
DECISIONS WILL SAVE THE CITY
HUNDREDS OF MILLIONS OF DOLLARS**

CITY NOT HELD ACCOUNTABLE IN DISCRIMINATION AND COMPENSATION CASES

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New York, Dec. 4, 2008 – New York City Law Department’s Labor & Employment Law Division scored four victories in four cases within the last week. In total, the decisions will save the City a “substantial amount of money,” including one win in a police overtime case that, as some press are aware, will alone save the City hundreds of millions of dollars. All rulings came with the support of numerous individuals within the Labor & Employment Division.

Corporation Counsel Michael A. Cardozo lauded the Division’s efforts. “In these tough economic times, every dollar counts. The Division’s tireless efforts resulted not only in us being vindicated in each case, but in the City saving a substantial amount of money – estimated to be hundreds of millions of dollars for one case alone. Victories like this showcase our office’s tireless work ethic and demonstrate how integral each participant is to the legal process,” he said.

“Every victory came with the teamwork of attorneys, paralegals and support staff,” added Georgia Pestana, Chief of the Labor & Employment Law Division. “I’m very proud of our colleagues and the incredible job that they do working for the public good.”

The four cases tried by Labor & Employment Law include:

- ***Scott v. New York Police Department (NYPD)*** – City attorneys James Lemonedes and Andrez Carberry, together with Jeremi Chylinski of the law firm Seyfarth Shaw LLP, with which the Law Department partnered on this case, won a significant victory saving hundreds of millions of dollars when Federal District Judge Shira Schiendlin decertified one claim of a collective action and a jury, after a three-week trial, rejected two other claims on behalf of 16,000 present and former NYPD police officers and detectives, who asserted various violations of the Fair Labor Standards Act. The court had previously issued numerous favorable rulings interpreting novel legal issues and confirming that the NYPD practices are lawful.
- ***Clarke v. Department of Health and Mental Hygiene (DOHMH)*** – City attorneys Patricia Miller and Joshua Fay successfully demonstrated to a jury that the City was not responsible for compensating five Public Health Sanitarians (officials who inspect restaurants) for time spent commuting from their homes to their first inspection sites and for time spent at home mapping out routes for the next day.

- ***Pannakadvil v. Health and Hospitals Corp. (HHC)*** – A lab technician alleged he was denied a promotion in retaliation for prior complaints alleging discrimination based on his national origin. Andrea O'Connor and Christopher Heer handled the trial for the City and successfully demonstrated to the jury that he was not as qualified as the employee who was promoted. Robert Katz handled motions for reconsideration and assisted with trial prep.
- ***Leigh v. Department of Education (DOE)*** – David Leigh, a math and computer science teacher hired into the Department of Education's teaching fellows program, claimed he was terminated after one year because of the alleged discriminatory animus of his supervisor against immigrants, despite the fact that the supervisor himself was an immigrant. Robert Anderson and Jamie Zinamen won a defendant's verdict after proving to a jury that Leigh was let go due to his poor teaching strategies, and resistance to feedback and suggestions from his supervisors.

The trial lawyers were supported with assistance by colleagues from both the paralegal and attorney staff in the Division as well as from the Operations Division of the Law Department. "It is unusual for us to have four federal trials at the same time, and we couldn't have done it without the support of a lot of people. Everyone worked cooperatively to put on the best case possible – and even had a bit of fun in the process, especially given the succession of wins," Ms. Pestana noted. Finally, as noted above, attorneys from Seyfarth Shaw assisted in the Scott PD case.

For additional information regarding our wins, or to speak with the attorneys, please contact the Law Department's Media Office at (212) 788-0400 or media@law.nyc.gov.

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