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California Court of Appeal upholds disability discrimination and related issues decision on behalf of program traffic director against DirecTV

April 12, 2016: The California Court of Appeal yesterday denied DirecTV's appeal of a judgment of the Superior Court of Los Angeles County [No. BC475999] in favor of employee Noel Salinda, a program traffic specialist, for disability discrimination related issues. Instead, the court granted Salinda's cross-appeal seeking a new trial, only to prove punitive damages.

As a result, plaintiff Salinda, whose annual salary was approximately \$60,000, recovered damages of \$1,178,341 and attorney fees of \$857,628. Salinda was represented at trial and on appeal, by J. Bernard Alexander and Tracy L. Fehr of Alexander Krakow + Glick LLP, a Santa Monica firm, and Supreeta Sampath of the Sampath Law firm, represented Salinda. Both firms exclusively represent employees.

In affirming the lower court's verdict on behalf of Salinda, the Court of Appeal indicated that issues of fact exist as to whether the individuals responsible for disciplining and terminating Salinda were DirecTV managing agents, whose conduct should subject the company to punitive damages. The issue was remanded to the Superior Court for a further trial. In addition, the court awarded Salinda additional costs and attorney fees for her appeal.

Salinda began working for DirecTV as an administrative assistant in 1998, became a traffic specialist in 2006, and held that position until September 1, 2011, when she was terminated. In that latter position, she was responsible for inputting data into DirecTV's on-screen channel guides and scheduling on-air programming.

Salinda suffers from a serious eye condition, which caused her to sometimes confuse letters and numbers, and affected her ability to perform her job duties. Salinda testified that she told her DirecTV supervisors about her condition when it developed in 2009. She sought reasonable accommodations for her vision problems, such as a larger functioning secondary monitor, better lighting and a quieter work environment to help her concentrate, all of which would have allowed her to perform the essential functions of her job. When Salinda received inadequate responses to her request, she purchased her own headphones and a natural spectrum light, which helped but did not fully give her the assistance she needed. Ultimately, DirecTV terminated her for errors that might have been avoided had it reasonably accommodated her disability.

The Superior Court jury verdict found in favor of Salinda and against DirecTV for disability discrimination, failure to engage in the interactive process, and failure to prevent discrimination.

The Court of Appeal ordered further proceedings to occur in the Superior Court of Los Angeles County, to receive evidence as to whether the individuals responsible for disciplining and terminating Salinda were managing agents of DirecTV, and, if so, whether punitive damages should also be awarded against DirecTV.

Attorney Bernard Alexander said, "Noel Salinda was a loyal, hardworking and valued employee, up until she developed a disability. Had she been fully and reasonably accommodated by DirecTV, Salinda would have been able to perform the essential functions of her job, and continued to be a productive member of society. DirecTV failed to fulfill its duty to engage in a good faith interactive process, and instead discriminated against Ms. Salinda by terminating her due to her disability. The Court of Appeal was correct in affirming the judgment and allowing Salinda to seek punitive damages for DirecTV's conduct."

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