

Black Lawyer Wins Retaliation Suit Against Boeing

By Eron Ben-Yehuda

Stellar credentials helped African-American attorney Geoffrey Gibbs land at a Los Angeles telecommunications satellite firm in 1996 that was later acquired by the Boeing Co.

Gibbs, 43, graduated with high honors from Harvard University with a degree in economics. He went to Oxford University on a Rhodes scholarship before earning a law degree at Boalt Hall. He then worked a few years at O'Melveny & Myers.

But his prior accomplishments didn't translate into success at Boeing Satellite Systems Inc.

Gibbs claims he was racially discriminated against. Once he complained about it, Boeing allegedly retaliated by firing him within a few weeks, according to his attorney, Wilmer J. Harris of the Pasadena office of Schonbrun DeSimone Seplow Harris & Hoffman.

A Los Angeles jury recently agreed with his retaliation claim, awarding Gibbs \$700,000, which includes \$100,000 in punitive damages. *Gibbs v. Boeing Satellite Systems Inc.*, BC277075 (Los Angeles Super. Ct., compensatory damages verdict July 13, 2004; punitive damages verdict, July 14, 2004).

Boeing's counsel, Michael J. Collins, says the trial left the jurors "absolutely confused."

"It was just over their heads," Collins of Irvine's Collins & Bellenghi says.

The jury rejected the contention that Gibbs lost his job because of discrimination. But the panel did find Boeing liable for retaliating against Gibbs after he complained about the alleged unfair treatment at work.

The jury didn't specify in what way Gibbs was retaliated against.

Collins says the jury may have concluded that Boeing officials took revenge by firing Gibbs. But that would be inconsistent with the jury's initial finding that he wasn't terminated because of racial bias, Collins says.

The apparent confusion shows that jurors decided the issues based on emotions, not facts, he says.

"It was like a reality television show for them," Collins says.

If post-trial motions don't succeed, then an appeal will follow, he says.

But Harris describes the jury as unusually thoughtful.

He says retaliation can be based on a complaint of discrimination even if the disparate treatment isn't proved.

Once Gibbs voiced concern about racial bias, the company drove him from his job by unfairly criticizing him and maligning his reputation, Harris says.

"The arrogance of a corporation can really backfire in front of a jury sometimes," Harris says.

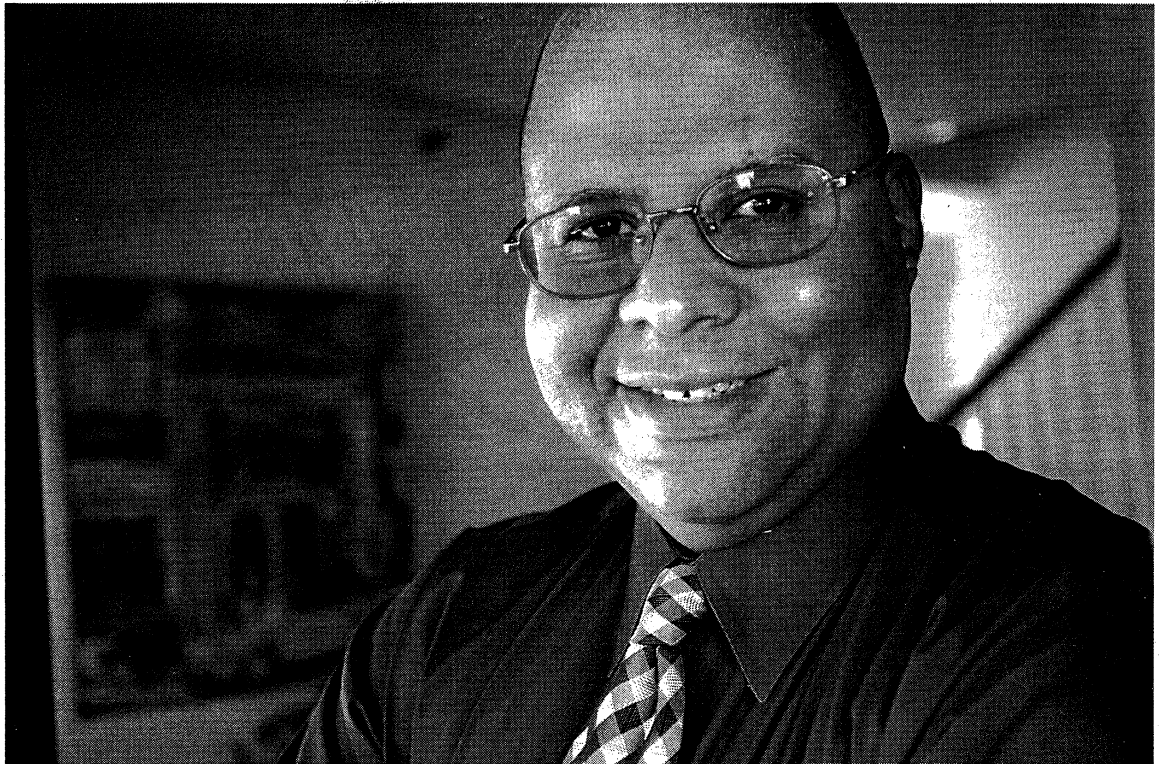


Photo by Hugh Williams

"The arrogance of a corporation can really backfire in front of a jury sometimes," attorney Wilmer J. Harris, above, says of the \$700,000 jury award he won for his client, African-American attorney Geoffrey Gibbs, in a retaliation suit against Boeing Satellite Systems in Los Angeles.

In 1996, Gibbs began working as a staff attorney for Hughes Space & Communications Co., bought out by Boeing in 2000.

He allegedly began suffering racial discrimination early on, even before the buy-out by Boeing.

He claims Wanda Denson-Low, who as general counsel became Gibbs' supervisor in 1998, mistreated him because he's black. Denson-Low is half African-American.

and into business operations. But he didn't have the financial skills and "business sense" to succeed, Collins argued in court papers.

According to Harris, Gibbs was "being scapegoated" by other executives for a downturn in the satellite industry.

In October 2000, Boeing moved him to a position as a contracts administrator, which Gibbs considered a demotion, Harris says,

heck" out of Gibbs to support letting him go.

As proof, Harris had an unsent e-mail drafted by Lisa Broderick, Gibbs' new supervisor, to her boss Robert J. Pesceone.

Although the message went undelivered, its contents were conveyed in a conversation Broderick had with Pesceone, Harris says.

The May 21, 2001, e-mail allegedly shows that, shortly after Broderick assumed the position, Pesceone put pressure on her to come up with something against Gibbs.

"I consider myself to be a pretty fair person, and if I can't work with Geoff, no one can," Broderick wrote. "I may eventually come to find the situation untenable and will document accordingly."

"Unfortunately, I have not gathered enough information in the one week that I have been the manager here to make that judgment."

Collins says that shows how frustrated management had become with what they saw as Gibbs' hostile attitude and poor performance.

To Harris, that's evidence of retaliation. "Once he complained, he was as good as gone," Harris told the jurors.

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Schonbrun DeSimone Seplow Harris & Hoffman

"He was competition for her in a place that was very scarce of African-Americans in senior positions," Harris claims.

Denson-Low considered Gibbs unethical and dishonest after he submitted some expense reports for business trips that she thought were questionable, according to defense court documents.

At trial, Harris pointed out that Denson-Low, as Gibbs' supervisor, had approved his expenses.

Gibbs transferred out of the legal depart-

ment although his salary didn't change.

"He was refusing to be manageable," Collins says. "He was just being obstinate."

Not until May 1, 2001, did Gibbs complain about racial bias for the first time.

"He was very apprehensive about complaining," Harris argued to the jury. "He believed that, if he complained, he'd be treated poorly and eventually terminated. And he turned out to be correct."

Harris claims that, at that point, Boeing executives scrambled to, "document the