

Rubin Fortunato Secures Jury Verdict in Retaliation and FMLA Case

On January 28, 2016, a unanimous federal court jury in the Eastern District of Pennsylvania found that Temple Health Systems (“Temple”) did not retaliate against a former registered nurse at Jeanes Hospital, in violation of Title VII of the Civil Rights Act of 1964 (“Title VII”) and the Pennsylvania Human Relations Act (“PHRA”), or interfere with her rights under the Family and Medical Leave Act (“FMLA”). In her original complaint, the plaintiff asserted that a sexually hostile work environment existed at Temple’s Jeanes Hospital and Temple retaliated against her for complaining of this alleged environment. She also alleged that Temple interfered with her FMLA rights and retaliated against her for exercising them. Finally, she alleged that Temple defamed her and tortiously interfered with her contractual relationships with prospective employers.

At various stages of the case, Judge Gerald J. Pappert of the United States District Court for the Eastern District of Pennsylvania dismissed plaintiff’s claims of a sexually hostile work environment and her FMLA retaliation claims. The plaintiff dismissed her common law claims on the eve of trial. With the claims winnowed, the jury considered only her Title VII/PHRA retaliation claims and FMLA interference claims. After a four day trial with eight witnesses, the jury returned a verdict in favor of Temple on all claims.

Michael J. Fortunato, Jason K. Roberts, and Sheri Flannery handled the case, captioned Ellen Betz v. Temple Health Systems, Civil Action No. 15-00727 (E.D.Pa.).