

Manufacturing Company Labor and Employment Litigation

Represented a global manufacturer, distributor, and marketer of food and beverages. Obtained one of only two appellate level decisions in New York history overturning an adverse order of the State Human Rights Division on the grounds of administrative delay. The complainant filed a timely charge, but the division did not schedule a public hearing until six years later. During that time, the employer sold the operation in which the complainant had worked, the manager who fired the complainant had been fired, and his age discrimination matter was going to trial the same week as the public hearing. Despite the obstacles, we obtained a recommended order of no liability from the ALJ on the complainant's charges of national origin discrimination and retaliation. On review, the commissioner reversed, and awarded the plaintiff \$150,000. On appeal, we convinced the court that the division's delay required that the decision be annulled and an order in the employer's favor be entered. The decision was the first in almost 20 years to annul an order due to delay.