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Unjustly fired Office Depot employee wins verdict of \$10,000,000.00 for wrongful termination, retaliation, and failure to prevent discrimination and retaliation

February 6, 2017 – Today Office Depot was hit with a \$10,000,000.00 verdict: \$2.0 million for general damages and \$8.0 million for punitive damages.

Plaintiff Mark Flores, a 58-year-old ex-Supply Chain Supervisor and 17-year employee of Office Depot, was placed on a contrived performance improvement plan just four work days after returning from medical leave for neck surgery, then terminated two months later. Mr. Flores angered his supervisor by taking a medical leave and by complaining to Human Resources that his supervisor had directed Mr. Flores to “performance manage out” two older employees.

Human Resources failed to conduct a good-faith investigation in response to Mr. Flores’ complaints of discrimination and retaliation, despite the fact that the supervisor failed to document any prerequisite counseling or coaching prior to issuance of the performance improvement plan, and despite Mr. Flores’ long history of performance evaluations which “met” or “exceeded” expectations.

The jury awarded Mr. Flores \$2.0 million for wrongful termination and retaliation based on protected complaints and conduct under the Fair Employment and Housing Act and the California Family Rights Act, and based on a failure to prevent discrimination and retaliation. The jury awarded an additional \$8.0 million in punitive damages.

Plaintiff Mark Flores was represented by lead counsel J. Bernard Alexander, III and Joshua Arnold of Alexander, Krakow + Glick LLP, along with co-counsel Eric Panitz of DesJardins & Panitz LLP.

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