

Daily Journal

JULY 13, 2011

LABOR & EMPLOYMENT



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TOP 75 LABOR & EMPLOYMENT LAWYERS

Harris in a closely watched discrimination case that, depending on the outcome, could weaken employees' ability to fight workplace discrimination under the state's Fair Employment and Housing Act.

After a ruling favoring employers from the 2nd District Court of Appeal in Los Angeles, the California Supreme Court granted review in the case on April 22, 2010. *Harris v. City of Santa Monica*. 2010 DJDAR 1985.

When the Supreme Court takes up the case, it will weigh whether employers can ask juries to consider a "mixed-motive" defense in discrimination and retaliation cases, or whether an employer fired an employee for factors other than race, religion, sex, age and medical conditions, which are protected under the state's anti-discrimination law.

Nourmand said he was delighted the Supreme Court decided so quickly to take up the case.

"It really opens up a new defense for the employers," Nourmand said, adding that he struggled with the idea that one of

his cases might hinder workers. Before Harris' case, employees needed only to prove that a protected trait was a motivating factor behind their hiring.

"I was so excited. It was a huge burden lifted off me," said Nourmand, of the court's decision.

He is now working with Woodland Hills attorney David M. deRubertis, who petitioned the Supreme Court to review the case.

Nourmand initially filed the discrimination lawsuit against the City of Santa Monica in 2005, claiming the city fired Harris from her job as a bus driver because she got pregnant. The city argued that it would have fired Harris regardless of her pregnancy because of poor performance, including two bus accidents and two unexcused absences.

A Los Angeles County Superior Court jury awarded Harris \$178,000. The Court of Appeal, however, sided with the city, reversing the judgment and ordering a new trial.

— Amy Yarbrough

Nourmand was on pins and needles for nearly three months in early 2010, waiting for news on whether the California Supreme Court would take up what may be the most important case of his legal career.

The Los Angeles-based employment attorney represents plaintiff Wynona

