

## PLFF. ATTY:

**Cynthia D. Hall**

(Law Offices of Herbert Hall), Claremont

(909) 624-1671

## Experts:

Spencer, Eth	Psychiatrist
Van Gorp, Wilfred G.	Psychologist
Andersen, Richard H.	Vocational Rehabilitation
Lancaster, Wayne H.	Economist

New York, NY
White Plains, NY
Westminster
Fullerton

## DEF. ATTY:

**Nancy Rader Whitehead & Diane Stalder**

(Scott, Reilly &amp; Whitehead), Newport Beach

(714) 222-0166

## Experts:

Kulick, Francine B.	Psychologist
Fractor, David T.	Economist

Los Angeles
Los Angeles

## INSURANCE CO:

Self-Insured

CASE: Louis Robert Sangermano vs. County Sanitation Districts of Orange County

No: 73 26 80

JUDGE: Mason L. Fenton

Westminster

4/1/97

TRIAL: 14 Days JURY OUT: 5½ Hours POLL: Various

**FACTS**

5/12/94: Plaintiff, a 46 year-old laboratory manager for Defendant, was locked out of his office on May 12, 1994, the day after his attorneys faxed a letter stating Plaintiff was reporting to the District Attorney and Cal-OSHA certain illegal activities and a "cover-up" of the deaths of three individuals who died in a fire on the Defendant's premises. Plaintiff alleged that he discovered the cause of the fire was an oxygen-enriched atmosphere resulting from Defendant's negligence. Plaintiff was fired in October 1994. Defendant alleged that Defendant was fired for sexual harassment charges. Plaintiff brought this action based on wrongful termination in violation of public policy theories of recovery.

Plaintiff claimed he discovered that the cause of a deadly fire on Defendant's premises was an oxygen-enriched atmosphere resulting from Defendant's negligence, but Defendant told Plaintiff to make a false report placing liability onto Decedents' employer and to cover up Defendant's negligence. Defendant created false sexual harassment charges against him and formally terminated him in October 1994. Plaintiff's employment was terminated in violation of public policy for whistle blowing. Defendant trumped up charges of sexual harassment against him in an attempt to justify its reason for his lockout. Plaintiff's expert testified that Plaintiff would suffer economic damage into the future for approximately one year.

Defendant argued that the Plaintiff never established the cause of the fire and that it was outside of expertise as a chemist to do so. Several other employees of Defendant believed the cause of the fire to be an oxygen-enriched environment and disputed the Plaintiff's contention that he alone was asserting oxygen as the cause of the fire. On May 9, 1994, the Plaintiff submitted a note from his psychiatrist to the Defendant requesting a work-related stress leave. Five days later, the Plaintiff wanted to return to work but refused to grant the Defendant permission to speak to his psychiatrist and refused to be examined by the Defendant's physician. Therefore, the Plaintiff was not allowed to return to work. The Defendant disputed that the Plaintiff actually engaged in any legally protected