Proskauer

LA Jury Awards Whistleblower $1.5 Million

Proskauer Whistleblower Defense on **March 12, 2019**

On February 28, 2019, a Los Angeles jury issued a verdict of $1.5 million in damages to a former employee who alleged his employer retaliated against him for reporting misconduct in violation of the False Claims Act ("FCA"), 31 U.S.C. § 3730(h), the Defense Contractor Whistleblower Protection Act ("DCWPA"), 10 U.S.C. § 2409, and California's whistleblower statute, California Labor Code section 1102.5. *Lillie v. ManTech Int'l Corp,* No. 17-cv-02538 (C.D. Cal.). The verdict form can be accessed here.

Plaintiff, a former NASA Mars mission engineer at ManTech International Corp. (the "Company"), alleged his employment was terminated because he reported that he had received unauthorized access to classified and proprietary information owned by a third-party government contractor in violation of federal rules governing sensitive United States government procurement contracts. He alleged that he had previously received positive performance evaluations and generous pay increases, but after he raised his concerns he was sent home without pay, placed on furlough, and then discharged.

Plaintiff brought claims for retaliation under the FCA, the DCWPA and California's whistleblower statute in the U.S. District Court for the Central District of California. Finding in his favor on all of these claims, the jury awarded Plaintiff approximately $522,000 for past lost wages, $340,000 for future lost wages, and nearly $644,000 for past and future emotional distress damages.

This case is consistent with a trend of sizable jury verdicts in whistleblower retaliation claims. We recently reported on an $11 million whistleblower verdict in San Francisco, much of which was upheld on appeal, and other large whistleblower verdicts in Missouri, Oregon and Illinois. This trend highlights the risks employers face under federal and state whistleblower laws, and serves as a wake-up call for employers to carefully review their whistleblower protection policies and related protocols.

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