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San Diego Jury “Goes Nuclear” With $11 Million Verdict in Workplace Discrimination Case

California Employment Law Update on **January 2, 2025**

As 2024 came to a close, yet another California jury delivered a massive award to an individual plaintiff in an employment discrimination case. This time, it was an award of over $11 million by a San Diego jury to a medical screener at a plasma donation center (*Roque v. Octapharma Plasma, Inc.*). The 74-year-old plaintiff alleged that her employer failed to accommodate her back pain when it refused to provide her a chair to sit in while she conducted medical screenings and when it later terminated her based on her age.

While hardly the largest verdict by a California jury in an employment case (see, for example, our prior posts on this topic here and here), the $11.2 million verdict is especially notable for reaching eight figures despite the absence of *any* economic damages for lost wages or benefits. The enormous sum included $1.05 million for physical pain and suffering, $1.155 million for emotional distress (though the plaintiff never sought treatment for any alleged emotional distress), and $9 million in punitive damages. (Presumably, a large attorney’s fees award in favor of the plaintiff will follow shortly.)

As we have previously reported, the trend of nuclear verdicts in employment cases is a reminder to employers of the benefits of a robust arbitration program. Enforceable arbitration agreements continue to be the only antidote available for employers to protect themselves from catastrophic verdicts such as these, which have become alarmingly commonplace in the trial courts of California.

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