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California Federal Court Grants Employer Summary Judgment Despite Protected Whistleblowing

California Employment Law Update on **July 6, 2026**

A recent decision from the U.S. District Court for the Northern District of California granting summary judgment in favor of an employer despite evidence of protected whistleblowing is instructive. *Han v. Pfizer* (No. 23-cv-039080-AMO).

Background

The plaintiff, a compliance analytics employee, alleged that his former employer, a pharmaceutical company, retaliated against him after he internally reported suspected illegal activity and later reiterated those concerns while challenging a notice of underperformance from his supervisor. The employer ultimately terminated the plaintiff's employment for performance-related reasons, and the plaintiff asserted claims under California Labor Code section 1102.5 ("Section 1102.5") and related causes of action.

Ruling on Protected Activity and Reasons for Termination

In ruling on the employer's motion for summary judgment, the court rejected the employer's argument that the plaintiff had not engaged in protected activity simply because identifying compliance risks was part of his job.

Despite finding that evidence indicated the plaintiff had engaged in protected activity, at least for purposes of summary judgment, the court granted summary judgment to the employer, because it presented clear evidence that it would have terminated the plaintiff's employment regardless of protected activity. The record contained years of documented performance deficiencies predating the whistleblowing activity, including repeated instances of the same feedback over multiple performance evaluations and corroborating criticisms. That evidence defeated the Section 1102.5 claim.

Implications

For employers, *Han* serves as a reminder that California courts continue to construe protected activity rather broadly. Still, it underscores the value of consistent, contemporaneous documentation of an employee's performance issues and a robust disciplinary process in defending against retaliation claims.

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