

FOR IMMEDIATE RELEASE
January 18, 2006

CONTACT: Linda Miller Savitt, Esq.
John J. Manier, Esq.
Ballard, Rosenberg, Golper & Savitt LLP
(818) 508-3700
lsavitt@brgslaw.com
jmanier@brgslaw.com

U.S. DISTRICT COURT ORDERS EEOC TO PAY \$1 MILLION TO PASADENA IMMIGRATION LAW FIRM FOR “FRIVOLOUS” LAWSUIT

LOS ANGELES – A federal district court has ordered the U.S. Equal Employment Opportunity Commission to pay \$1,022,653.69 in attorneys’ fees and expenses to a Pasadena immigration law firm which the EEOC unsuccessfully sued for sexual harassment and pregnancy discrimination. In a 17-page written ruling issued yesterday, U.S. District Judge Dickran Tevrizian found that the EEOC’s lawsuit against Robert L. Reeves & Associates “was unreasonable, frivolous and without foundation.” The award is believed to be by far the largest ever issued against the EEOC.

Linda Miller Savitt, a partner with the management-side employment law firm of Ballard, Rosenberg, Golper & Savitt in Universal City, represented Reeves and his firm throughout the case, including a 10-day jury trial which ended in a unanimous defense verdict on November 2, 2005. John J. Manier, a senior counsel with Ballard, Rosenberg, Golper & Savitt, prepared the briefs in support of Reeves’ request for fees and expenses.

Reeves maintained that the EEOC either knew or unreasonably failed to learn that its lawsuit was part of a scheme by two of Reeves’ former law associates, Daniel Hanlon and Colin Greene, to destroy Reeves and his firm. In 2001, a Los Angeles Superior Court judge found Hanlon and Greene liable to Reeves for interference with contract and prospective economic relations, misappropriation of trade secrets and related claims, and awarded Reeves and his firm a total judgment of nearly \$200,000. The California Supreme Court upheld that award in a unanimous decision in 2004.

Judge Tevrizian agreed that “either the EEOC knew it was being used as a primary weapon in Hanlon’s and Greene’s campaign to destroy [Reeves’ firm], or it maintained a studied and inexcusable ignorance of this fact.” Tevrizian noted that before the EEOC filed its suit against Reeves, the only persons it interviewed were Hanlon, Greene and Nikki Mehrpoo Jacobson – despite Greene’s prior service as the firm’s in-house counsel before the EEOC in a pregnancy-bias charge brought by former employee Judith Quilton, Greene’s romantic relationship with Jacobson,

Hanlon's role as decision-maker in the firm's termination of Quilaton, and Hanlon's and Greene's unlawful conduct when they left the firm in 1999.

Tevrizian rejected the EEOC's attempt to distance itself from Hanlon and Greene. Instead, he found that Hanlon, Greene and Jacobson "schemed ... to elicit the EEOC to expand the [Quilaton] matter to include alleged sexual harassment," even though Quilaton's pregnancy-bias claim "eventually proved to be so baseless that the EEOC did not even appeal" from Tevrizian's summary dismissal of the claim.

Although the EEOC purported to sue Reeves on behalf of 7-10 people identified by Hanlon, Greene and Jacobson, the agency's investigator, Deborah Kinzel Barnes, admittedly never spoke with any of these individuals before filing suit, and Jacobson was the only woman Barnes interviewed with respect to alleged sexual harassment. Tevrizian concluded that "the EEOC basically sought to parlay a few isolated jokes and comments into bad-faith, exaggerated allegations of a hostile work environment."

In addition, Tevrizian found that the EEOC's conduct throughout the case, in discovery and trial, made "improper use of the legal system to prosecute what it knew, or should have known, were groundless claims." As examples, Tevrizian cited the EEOC's requests for private information from third parties not involved in the case, its refusal to "provide 'even the most basic factual allegations' underlying the supposed claims" of three individuals, and its "flagrant disregard for the attorney-client privilege" in seeking discovery directly from Reeves' current and former attorneys, including Greene.

Tevrizian further ruled that "the EEOC's lawsuit was unreasonable and frivolous" as to all 12 individuals on whose behalf it purported to bring claims. He noted that the EEOC did not appeal from his earlier summary dismissal of claims on behalf of six of these individuals. Although a divided federal appellate court panel ruled that the EEOC had sufficient evidence to proceed to trial as to the other six "claimants," Tevrizian found "the testimony and jury verdict at trial" showed none of these claims was based on any credible evidence.

In particular, Tevrizian cited inconsistencies in the individuals' testimony, the repeated use of the term "personal space" in witness testimony which had been coached by the EEOC, and the EEOC's "gross" exaggeration of several of the claims, including those asserted by Jacobson. Tevrizian found "Jacobson's contradictions and distortions are particularly troubling because Jacobson provided the anonymous tip which initiated the EEOC's sexual harassment investigation

and was the only woman the EEOC interviewed on this issue before rendering its ‘cause’ finding.”

Tevrizian ruled that Reeves and his firm were entitled to an award of \$995,780.72 in attorneys’ fees and \$29,872.97 in additional expenses, for a total award of \$1,022,653.69.

A copy of Judge Tevrizian’s written order is attached to this press release.

For more information, please visit the following sites:

United States District Court, Central District of California: <http://www.cacd.uscourts.gov>

Robert L. Reeves & Associates: www.rreeves.com

Ballard, Rosenberg, Golper & Savitt: www.brgslaw.com