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VERDICTS & SETTLEMENTS

EMPLOYMENT LAW

WRONGFUL TERMINATION Whistleblower

VERDICT: \$450,000.

CASE/NUMBER: Andrew MacDonald v. Ascent Media Group Inc., Ascent Media Group LLC, DeLuxe Entertainment Services Group Inc., Method Studios, and Does 1 through 50 / BC444911.

COURT/DATE: Los Angeles Superior Central / Oct. 23, 2012.

JUDGE: Hon. Mary H. Strobel.

ATTORNEYS: Plaintiff - Mark J. Geragos, Pat Harris, Benjamin J. Meiselas (Geragos & Geragos, Los Angeles); Sean E. Macias (Macias Counsel Inc., Pasadena).

Defendant - Anthony J. Oncidi, Jeremy Mittman, Adam Freed (Proskauer Rose, LLP, Los Angeles).

FACTS: Andrew McDonald, a visual effects artist, worked for Ascent Media Group Inc. (AMG), along with Alex Frisch, who was a visual effects supervisor. In 2009, MacDonald met with an AMG executive in order to finalize an employment agreement with AMG. MacDonald was subsequently terminated, and filed suit against AMG, alleging wrongful termination.

PLAINTIFF'S CONTENTIONS: Plaintiff claimed that during his 2009 meeting with AMG, he voiced concerns regarding alleged drug abuse by Frisch during work hours. Plaintiff claimed that he was told

not to challenge Frisch, and that he then joked about whether he needed to videotape Frisch in the office bathroom. Plaintiff claimed that he was subsequently accused with essentially videotaping Frisch and lying, and was thereafter fired. At trial, Plaintiff argued that his termination occurred in order to conceal illegal conduct.

DEFENDANT'S CONTENTIONS: AMG denied the allegations of wrongdoing, and denied that the company had engaged in any illegal conduct. AMG claimed that Plaintiff was terminated for videotaping his boss in the restroom and threatening to put the video on Youtube and for audiotaping another executive of the company without either executive's knowledge or permission.

AMG claimed that the company was concerned about protecting the privacy of employees and fired Plaintiff for violating privacy by videotaping his boss in a bathroom stall and audiotaping another executive without their knowledge or consent.

JURY TRIAL: Length, eight days; Poll, 11-1 (liability), 10-2 (damages); Deliberation, four hours.

SETTLEMENT DISCUSSIONS: Plaintiff made a CCP 998 demand of \$245,000. Defendant made a CCP 998 offer of \$40,000.

RESULT: The jury awarded MacDonald \$450,000.