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JAMES E. ALLTOP vs. COASTAL BANK S.S.B.

Case No. 2000-31258

**Verdict Date:** November 2001

**TOPIC:** AGE DISCRIMINATION AND RETALIATION

**RESULT:** Settlement amount is confidential; The case was tried for 8 days. After the jury was out for 2 hours the parties settled. The jury answered the age discrimination and retaliation question in favor of Plaintiff. The jury had awarded damages and was working on the malice question. **The jury met with all the attorneys after the settlement and told Plaintiff's lawyers that in the jury room the jury referred to them as the "dream team".**

**INJURY:** Wrongful termination including past and future lost wages and mental anguish

**STATE:** Texas

**COURT:** 215TH HARRIS COUNTY HOUSTON, TEXAS

**JUDGE:** LEVI J. BENTON

**PLAINTIFF COUNSEL:** Glenn "Pat" Patterson from Houston, TX, By: Glenn "Pat" Patterson; **LeJune & Singer** from Houston, TX, By: Dana **LeJune**

**DEFENDANT COUNSEL:** Schlanger, Mills, Mayer & Silver LLP from Houston, TX, By: Raymond Kalmans and Donna Smith Cude

**SUMMARY:** Plaintiff was terminated at the age of 63 for allegedly not complying with his new supervisor's schedule to prepare a bank recovery plan. Under his previous boss, Plaintiff had prepared similar plan for the years 1994-1998, which had been approved by the bank's Board of Directors and the Federal Examiners. Each year, Plaintiff had received good performance reviews including the title of Security Officer so that he could "concentrate on the Recovery Plan". Under his new supervisor, all of Plaintiff's other job duties were removed within one week and assigned to someone substantially younger. Within 3 weeks, the Recovery Plan was assigned to someone substantially younger. Plaintiff was terminated shortly thereafter. Plaintiff had filed a charge of age discrimination against the bank shortly after being assigned to the new supervisor, and was terminated within 3 weeks. Plaintiff subsequently amended the charge to allege retaliation. TCHR found no probable cause of violation of the TCHR. The Court admitted the findings into evidence.

**PLAINTIFF EXPERT:** Dr. Herbert Lyon - Economist, regarding economic damages - Houston, TX - live; Bruce Stockwell, M.D. - Plaintiffs Psychiatrist - Houston, TX - by record

**DEFENDANT EXPERT:** Whitney Smith - The Whitney Smith Company, Inc. - Vocational Rehabilitation, availability of jobs for Plaintiff, economics of past and future lost wages of Plaintiff - Ft. Worth, TX

**MISCELLANEOUS:** Date of Settlement: 11/15/01; Medical Treatment: 8 visits to a psychiatrist

**OFFER:** \$30,000.00 before trial

**DEMAND:** Before trial was for \$565,000.00