

Winston & Strawn Team Successfully Concludes Age Discrimination Case

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On behalf of Abbott Laboratories, Winston & Strawn concluded a 25-count age discrimination case that was pending since 2005. In February 2011, the Court granted the firm's summary judgment motion on 24 of the 25 counts of this age discrimination case. The case proceeded to trial on the final count in federal court before Judge Watson in Columbus, Ohio.

After two and a half days of trial on the sole remaining count, the case ended in dramatic fashion, with the plaintiff admitting that he committed perjury during his direct examination: "Q. And so you committed a crime both this morning and yesterday here on the stand. A. Yes, sir."

During direct, the plaintiff emphasized that he had been on the diving team at the University of Florida, where he also received a bachelor's degree in biology. After an exhaustive investigation overnight into his background, the Winston team discovered (and documented) not only that he had never been on the diving team, but that he had never even attended the University of Florida, and instead had obtained a degree in physical education from a different school.

During cross-examination, the plaintiff was then forced admit that he had given "intentionally false" testimony, had committed "perjury," and had committed a "crime" by testifying falsely under oath. The Court immediately stopped the proceedings to make arrangements to advise the witness of his Fifth Amendment rights. After six years of litigation and two more hours of cross, the plaintiff ultimately decided to drop the case altogether, voluntarily dismissing the action with prejudice.

The trial team consisted of partner Derek Sarafa and associate Bill O'Neil.

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