
Hughes Hubbard & Reed

Firm Wins Dismissal of Employment Discrimination Case for L-3 and Vertex Aerospace

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March 10, 2020 — Hughes Hubbard scored a victory for L-3 Communications and its then-subsiary Vertex Aerospace when a New York federal court granted the sixth-largest global defense contractor's summary judgment motion to end an employment racial discrimination case brought by a former employee who worked in Afghanistan.

On Feb. 18, U.S. District Judge Loretta Preska dismissed all the plaintiff's claims, ruling that there was insufficient evidence for reasonable jurors to conclude that Vertex acted with discriminatory intent toward the plaintiff.

In September 2013, the Company -- which was providing aircraft maintenance and repair services for the U.S. government in Afghanistan at the time -- hired the plaintiff, an African-American male, as a distribution manager.

The plaintiff claimed that Vertex discriminated against him on the basis of his race, retaliated against him for complaining about discrimination, subjected him to a hostile work environment throughout the course of his employment and then further retaliated against him by refusing to rehire him.

In December 2014, Vertex suspended the plaintiff for three days after discovering that he wrongly charged a personal expense to the Company's corporate credit card. The Company contended that the plaintiff -- who never returned to his job -- had resigned after being informed of the suspension, while the plaintiff argued he had been terminated for discriminatory and retaliatory reasons.

The plaintiff also claimed that several applications he submitted for multiple positions at the Company following the end of his employment tenure were rejected for unlawful reasons.

In October 2016, the plaintiff filed a \$3 million suit against L-3 and Vertex Aerospace, claiming violations of various statutes, including Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, and the New

York City Human Rights Law. HHR moved for summary judgment on all claims on behalf of Vertex in May 2019.

Judge Preska ruled that the plaintiff did not show he suffered an adverse employment action -- a materially adverse change in the terms and conditions of employment -- under circumstances giving rise to an inference of discrimination.

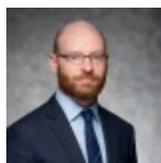
L-3, now L-3Harris Technologies, is the sixth-largest defense contractor in the world. Its former subsidiary, Vertex Aerospace, is headquartered in Madison, Miss.

Ned Bassen, who has represented L-3 for more than 30 years, led the HHR team, which included Carl Mills, Amina Hassan, Amanda Boitano, Nathan Cole and Steven Sheppard DiCesare.

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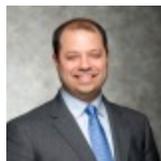
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