
Hughes Hubbard & Reed

Hughes Hubbard Wins Dismissal of Discrimination Suit Against Legal Services NYC

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One Battery Park Plaza • New York, New York 10004-1482 • +1 (212) 837-6000

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Hughes Hubbard won summary judgment for Legal Services NYC and one of its managers in a long-running discrimination lawsuit.

In an order dated April 24, New York Supreme Court Judge Maryann Brigantti granted Legal Services NYC's motion for summary judgment filed by HHR seeking dismissal of plaintiff's claims of discrimination and retaliation notwithstanding the plaintiff having won two prior arbitrations regarding the same actions by Legal Services.

The plaintiff, William F. Henderson, sued Legal Services NYC and one of its managers in June 2009, alleging that he was the victim of discrimination based on his race, gender and age, after he was terminated for his poor work performance. Prior to his termination, Henderson claimed that he was retaliated against when he was denied transfer to another Legal Services location in the Bronx. Henderson was a staff attorney at the Legal Services NYC Bedford-Stuyvesant office.

HHR argued that Henderson's claims should be dismissed because he could not rebut defendants' legitimate nondiscriminatory reasons for the adverse employment actions. Judge Brigantti agreed that there was substantial testimony and documentary evidence detailing numerous instances where it was communicated to Henderson that he had failed to meet deadlines and exhibited a low quality of work product.

Furthermore, Judge Brigantti rejected Henderson's argument that the defendants' proffered defense was barred by collateral estoppel, finding that previous arbitrations were an inappropriate forum to determine the disposition of an employment discrimination claim where the arbitrators' sole responsibility was to enforce provisions stipulated under the collective bargaining agreement. The arbitration proceedings did not consider whether a violation of discrimination occurred under New York human rights laws, which was the issue before this court.

Following this reasoning, Judge Brigantti found that, although the proffered reasons were insufficient to survive a

challenge under the collective bargaining agreement, they were adequate to show that defendants had legitimate nondiscriminatory reasons for denying Henderson's transfer request and for subsequently terminating him. Finding that Henderson failed to present evidence that the proffered reasons for the adverse actions were a pretext for discrimination and that discrimination was the real reason, Judge Brigantti dismissed Henderson's claims.

Additionally, Judge Brigantti ruled that no causal connection existed between the protected activity and the adverse action due to insufficient temporal proximity to support a claim of retaliation, granting defendants' motion in its entirety.

Ned Bassen, Arielle Garcia, and former associate Alex Bogdan represented Legal Services and its co-defendant. Ariel Kapoano provided research assistance on the motion.

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