

## **After 7 Years of Litigation the Lawrence Livermore Lab Agrees to a Settlement of over \$37 Million**

The Lawrence Livermore National Laboratory has agreed to pay 129 former workers \$37.25 million to settle their long-standing lawsuit for wrongful termination and age discrimination arising out of their layoffs on May 22, 2008

The plaintiffs in this consolidated lawsuit in the Alameda County Superior Court contended that the Lab orchestrated the layoff after a private corporation took over the Lab from the University of California on October 1, 2007.

Lead attorney, J. Gary Gwilliam of Gwilliam, Ivary, Chiosso, Cavalli & Brewer of Oakland Stated:

“As soon as the Lawrence Livermore National Lab was ‘privatized’ by the George W. Bush administration in 2007, they began plans to lay off their older, most experienced workers in order to save themselves money. The evidence proved that this layoff was organized and implemented primarily by the Bechtel Corporation, of the LLC who took over the Lab. There had not been a layoff there for 35 years before that.”

The new LLC (LLNS) contract to run the lab was over \$40 Million more than the UC previously charged. LLNS then added approximately 30 new Bechtel employees in executive and management positions which significantly increased the overhead costs. However, they promised the government they would save \$50 million because of their so-called great ‘management experience’. To accomplish this, LLNS laid off their most experienced and senior employees in violation of their layoff policies, which required most employees to be laid off in inverse order of seniority. The average age of our 130 clients was 54 years and they had an average of 20 years seniority.

The case required intense and active litigation, including two 60 day jury trials in 2013 (both trials were appealed), several motions for summary judgment, two removals and remands to the Federal District Court, and approximately 100 depositions, and the

evaluation of over 300,000 documents. The case finally settled after several long days of mediation and months of negotiations in 2015.

Gary Gwilliam added:

“The credit for this important settlement goes to the tenacity and resilience of our clients and the hard work of our firm, especially my partner Randy Strauss and my associate Rob Schwartz. The defense firm had 200 times as many lawyers as our firm (1200 vs. 6)[ I estimate our firm has put in over 25,000 hours of time on the case and spent over \$1.5 million in out of pocket costs.] We insisted that the settlement be public even though the lab contended it wanted confidentially. However, the law is clear that if the settlement is paid by government money, as this one is, it is against public policy to have secrecy or confidentially.”

For further information or to view client comments and case documents, contact Gary Gwilliam, Randy Strauss, Robert Schwartz at (510) 832-5411, or email us at [ggwilliam@giccb.com](mailto:ggwilliam@giccb.com), [rstrauss@giccb.com](mailto:rstrauss@giccb.com), [rschwartz@giccb.com](mailto:rschwartz@giccb.com).