Abrolat Law pc: Jury Orders Federal Express Corporation to Pay Over $8 Million in Whistleblower Action Involving Unsafe Airplane Repair

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08:07 ET

LOS ANGELES, Oct. 23, 2018 /PRNewswire/ -- A Los Angeles Superior Court jury sent a powerful message in support of whistleblowers by awarding over $8 million to three employees who complained about unsafe airplane repairs and suffered retaliation: an airplane mechanic (Brian Gruzalski), the mechanic's supervisor (Stanley Langevin) and their manager (Mark Collins), according to the suit.

During the trial, the jury learned that the employer, Federal Express Corporation, decided to reduce the time spent repairing its old airplanes by about one-third to increase profits. To meet the reduced repair time, FedEx management pressured the airplane mechanics to rush the repairs, the evidence showed. FedEx installed stadium-sized count-down clocks that counted down the seconds and offered management bonuses for getting the airplanes out faster. This caused FedEx's airplane mechanics to sign off on unsafe repairs and repairs that were not done, the evidence confirmed.
Gruzalski and Langevin complained to management and filed alert line complaints about FedEx coercing its mechanics to overlook important safety repairs, according to the evidence. FedEx did not investigate and continued to rush the repairs, the suit claimed.

In response to the complaints, FedEx ordered manager Mark Collins to write up the mechanics, according to the evidence. Collins testified that he objected that the write-ups were illegal retaliation. In response, FedEx told Collins that if he did not write up the mechanics, he would be written up himself, as shown by the evidence. Collins responded, "Then you are going to have to write me up," which FedEx did, he confirmed.

Langevin, described as a "sheet metal mechanic God" by a witness familiar with his work, stated: "I was losing sleep because FedEx was just covering up safety issues and harassing us for reporting the problems. By doing this, FedEx is risking the lives of the crew on board and those on the ground. It is very serious."

FedEx's retaliation included directing other employees to watch Gruzalski and Langevin and submit written complaints about them "24/7," the evidence showed. FedEx's Managing Director threatened Gruzalski, "that 50 angry men wanted to kick his ass, if he did not stop complaining about the unsafe repairs," the evidence further confirmed. Gruzalski commented, "In response to my valid complaints, FedEx wrote me up, suspended me, but the threats about the angry guys put me in fear for my life, not knowing what could happen in the parking lot."

Ultimately, FedEx terminated Gruzalski, demoted Langevin for an unprecedented 3 years, and denied Collins his promotion to senior manager, according to plaintiffs. The jury found this was retaliation. Its substantial $6.75 million punitive damages award is believed to be intended to send a message to FedEx and to other companies who may be committing the same crimes. Retaliation against whistleblowers may be widespread, but such illegal retaliation will not be tolerated.
The manner in which FedEx chose to defend the action was particularly troubling to trial counsel Shahane Martirosyan, who stated: "As one example, FedEx presented an internal complaint against Langevin that FedEx used to demote him, but the employee FedEx claimed complained testified that he never complained about Langevin and instead had supported him."

Lead trial counsel, Nancy Abrolat, commented: "Throughout the hard, five-year fight to get to trial, FedEx refused to take any responsibility, and instead denied all wrongdoing. Hopefully, FedEx will take the jury's clear message to heart that our community will not tolerate putting corporate profits above airplane safety."

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