



KDW Client CIBA Vision Granted Summary Judgment in Age Discrimination Case

June 25, 2006

Kelley Drye won summary judgment on behalf of its client CIBA Vision Corporation, in an age discrimination lawsuit in the federal court for the Northern District of New York, commenced by a Senior Sales Representative. The 47 year-old plaintiff had been employed with CIBA Vision for over 20 years, when he was fired for substandard performance. The plaintiff alleged that he was terminated based on his age, in violation of the Age Discrimination Employment Act. Plaintiff claimed that his termination was motivated by a secret corporate "policy," to "accelerate the turnover" of employees over 40. He also alleged that this age bias was reflected in remarks that several CIBA Vision executives had made at a company sales meetings. He also alleged that the 'performance' issues were fabricated, and that his sales were actually very good. The Court rejected Plaintiff's claims, finding that there was no evidence of this "policy" and that the evidence showed a long record of poor performance by the plaintiff. The Court also dismissed plaintiff's claim for breach of contract for alleged non-payment of a bonus.