



Hartline Dacus Barger Dreyer LLP Attorneys Secure Defense Verdict for DFW Neuro-Rehabilitation Center in Age Discrimination Lawsuit

On December 14, 2016, HDBD partners [Darrell Barger](#) and [Brian Rawson](#), and associate [Roy McKay](#) obtained a complete defense verdict on behalf of Pate Rehabilitation Endeavors, Inc. in an Age Discrimination in Employment Act lawsuit in the Northern District of Texas, Dallas Division, before U.S. District Judge Sam Lindsay. Pate Rehabilitation offers Post-Acute Brain Injury programs and services throughout the Dallas/Ft. Worth area for people with brain injuries.

Plaintiff, who was employed as a patient driver for 8 years at Pate Rehabilitation, alleged that he was “subjected to derogatory age and sexual comments/gestures” by his supervisors, and after he complained to HR, he was wrongfully terminated because of his age (73). Plaintiff sought \$206,296 (\$103,148 in past lost wages x 2 for liquidated damages), plus unspecified amounts for front pay and attorney's fees.

At trial, Defense counsel contended Plaintiff was terminated for violating Pate’s company policies regarding the acceptability of Plaintiff’s driving (having three motor vehicle accidents in a company vehicle within a three-year period). Plaintiff argued his termination was pretextual, because other younger drivers also had three accidents within a three-year period and were not terminated. Pate Rehabilitation argued that Plaintiff did not suffer disparate treatment based on his age or complaining to his superiors, and Plaintiff’s termination was for valid cause and not pretextual.

After a one week trial, the jury of eight unanimously agreed with Pate Rehabilitation and found Plaintiff failed to prove he was terminated because of his age.

About HDBD

Hartline Dacus Barger Dreyer LLP is a Texas-based law firm specializing in civil litigation and trials, with offices in Dallas, Corpus Christi and Houston. The firm’s attorneys pride themselves on providing uncompromising excellence to their clients in a variety of areas, including products liability, commercial litigation, class action and multidistrict litigation, intellectual property, personal-injury defense, premises liability, labor and employment, insurance coverage, healthcare, construction, and dealer/franchise litigation. For more information about HDBD, visit www.hdbdlaw.com.



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