

3RD CIRCUIT: PITTSBURGH NURSE FIRED FOR APPROPRIATE REASONS, NOT AGE DISCRIMINATION

News

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The article “3rd Circuit: Pittsburgh Nurse Fired for Appropriate Reasons, Not Age Discrimination,” featured in *Penn Record*, discussed the U.S. Court of Appeals for the 3rd Circuit recent ruling in which Age discrimination could not be proved in the firing of a Pittsburgh neonatal nurse practitioner.

Jeff Dretler was quoted on his take on the ruling.

“The court, however, did not credit her testimony that there were others who were treated differently. She didn’t have any objective facts - it was based on her subjective opinion,” said Jeff.

The case was not unusual in the employment law arena, Jeff said.

“Employees who are terminated can file lawsuits and often do, whether or not their claims have actual merit,” he said. “The employer sometimes can get them dismissed early on, but sometimes have to go through a certain amount of discovery.”

Even when cases don’t go to trial, employers can spend a lot of money on court fees defending them, he added. It’s rare that they recoup any of that money, even when a case is dismissed with costs - the costs include filing

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fees and the like, not legal fees paid to attorneys, Jeff said.

“As a general matter, employers can’t recover legal fees for defending themselves unless it is a frivolous lawsuit, and that’s a very high standard,” he said.

“Employers always have to be careful when terminating anyone’s employment to be sure that they’re complying with the law and always have to weigh the chances that they might get sued.”

To read the full article, please visit [*Penn Record*](#).