



## **Fisher Phillips Scores Jury Verdict for Traffix Devices in Employment Trial**

News

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On June 26, Fisher Phillips, a national labor and employment law firm representing employers, obtained a successful defense verdict for its client, Traffix Devices, in an employment matter before the Orange County Superior Court, Central District (*Barbara Egbuta v. Traffix Devices, Inc.* Case No. 30-2014-00759689-CU-WT-CJC). The case involved charges of alleged race discrimination, national origin discrimination, unlawful retaliation and wrongful termination, among other claims, with the plaintiff asking the jury to award her \$12 million in damages.

The suit against Traffix Devices, a 31-year-old, San Clemente, Calif.-based manufacturer of traffic control devices and crash attenuation products, was brought by plaintiff and former employee Barbara Ijeh Egbuta, an immigrant to the United States from Nigeria.

Egbuta was hired by the company under the direction of its co-founder, Jack Kulp, who learned of Egbuta's need for employment through his church community. After Kulp worked to create a position for Egbuta in the purchasing department, the two remained close, with Kulp providing direct financial assistance to Egbuta for personal expenses, including travel to visit her family in Nigeria, housing, and regularly inviting her to join his family at their home for holidays. After 3.5 years of employment at Traffix, Egbuta filed a complaint with the company, alleging conspiracy, discrimination and harassment.

The company investigated the charges, including conducting numerous employee interviews, and it was discovered that Egbuta was written up for insubordination based on a separate incident that occurred the same day that her charges were filed. Compounding the issues, eleven months later, Egbuta filed an additional charge against a company employee, claiming conspiracy, discrimination, harassment and "molestation." It was explained to Egbuta, for whom English is a second language, that the term "molestation" has sexual connotations. Egbuta admitted that her complaints were not sexual in nature and no sexual misconduct had occurred. However, when she was given the chance to change the wording of her complaint to more accurately reflect the alleged conduct, Egbuta refused. When her refusal was reported to Kulp, he terminated her for making a false accusation against a fellow employee. In response, Egbuta filed a lawsuit in December 2014 claiming racial and national origin discrimination, unlawful retaliation and wrongful termination.

The case was amended in February 2015 and May 2015, and the trial began on May 8, 2017. Representing Traffix, the Fisher Phillips team argued that wrongful termination only applies if a complaint is filed in good faith and that Egbuta couldn't reasonably believe her actions were protected. The trial lasted 18 days, and after fewer than seven hours of deliberation, the jury delivered a total verdict for the defense.

"At the heart of this case was Jack Kulp, who has done everything he could to help a newcomer to his area and the company he built from the ground up to bolster the San Clemente community," said Fisher Phillips Partner Mark Jacobs. "The jury was convinced that Mr. Kulp's actions were not motivated by her race, her national origin or by the mere fact that she had filed a complaint. They believed that Ms. Egbuta's termination was based solely on her refusal to consider changing her allegation of molestation when nothing sexual had occurred. We are glad we were able to deliver such a favorable result for our client on these potentially damaging claims."

The Fisher Phillips trial team consisted of Partners Mark Jacobs (Irvine) and Tim Murphy (San Francisco), Associate Ryan Wheeler and litigation paralegal Marcus Jamison of the Irvine office.

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