

NEW JERSEY TRIAL VERDICT

JOHN McCARTHY OBTAINS FAVORABLE VERDICT

Schenck Price

— SCHENCK PRICE SMITH & KING, LLP —

A jury in Monmouth County recently entered judgment in favor of Schenck, Price, Smith & King's longtime client, the Marlboro Board of Education. The plaintiff, a former instructional assistant in Marlboro, alleged age discrimination against the school district. In 2019, the district reduced the number of instructional assistants because of declining student need and budget constraints.

The plaintiff alleged that she was discriminated against because of her age when her contract with the district was not renewed. She further alleged age discrimination when the district did not rehire her for positions posted in the summer and fall of 2019.

Schenck Price Partner Marc H. Zitomer is counsel to the Marlboro Board of Education. The board was represented at trial by Partner John D. (Jake) McCarthy. Mr. McCarthy was assisted in trial preparation by Schenck Price Associate Christopher J. Sedefian.

The plaintiff sought compensatory, emotional distress and punitive damages against the board. If a verdict was entered in favor of plaintiff, the board would also have been responsible for plaintiff's significant attorney fees pursuant to the New Jersey Law Against Discrimination.

Mr. McCarthy presented witnesses and evidence at trial that affirmed that the board's employees made decisions based upon the best interests of their students, and that age had nothing to do with plaintiff's nonrenewal. At the end of the five day trial, the

jury returned a unanimous verdict in favor of the Marlboro Board of Education and concluded that there was no age discrimination in the board's decisions to not renew or rehire the plaintiff. The verdict vindicated the board's administration, including its superintendent and the principal in the building where the plaintiff had worked.



John McCarthy

973.540.7320
JDM@SPSK.com