

Employment Law
Disability Discrimination
Retaliation

Lee Newson v. City of Los Angeles, and Does 1 through 10, inclusive

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Case number: 23STCV02179
Verdict – **\$1,500,000**

Judge Daniel S. Murphy Court Los Angeles County Superior Court Attorneys Plaintiff Yuk K. Law (Law + Brandmeyer LLP) Kevin P. Miller (Law + Brandmeyer LLP) Kent T. Brandmeyer (Law + Brandmeyer LLP) Defendant Aneta B. Freeman (Office of the Los Angeles City Attorney)	Facts Plaintiff Lee Newson has been a 16-year Los Angeles Police Dept. (LAPD) officer. In 2009, he sustained IOD (injury on duty) of his back. He required intermittent time off for medical care and treatment. In June 2011, upon return to work following a medical leave, he was noted to exhibit signs and symptoms of being under the influence, and low amounts of prescribed hydrocodone and hydromorphone were found in his urine. He was given a conditional reprimand. He returned to work as a patrol officer with intermittent medical leaves of absence to receive treatment to his back that included epidural injections and rizotomies. In 2018, he passed the detective examination and interview, and he was placed on the list for promotion to detective, a position that was the natural progression of his LAPD career and would be easier on his lower back. In 2019, he applied for and was placed on loan in the detective unit at the Hollywood station to train to be a detective while awaiting the promotion. In the latter part of 2019, he developed diverticulitis and resulting sepsis, and he had to be hospitalized. In early 2020, while still working on loan at the detective unit at the Hollywood station, a lieutenant, Michael Rippe, took over as the head of the detective unit and ended plaintiff's loan status. Plaintiff reported to Rippe's adjutant that Rippe treated him unfairly because of his medical conditions, but the adjutant did not report the complaint to the commanding staff or the LAPD's workplace investigation unit. On June 1, 2021, two days before plaintiff was to be sworn in as a detective, he was falsely arrested at the Hollywood station for DUI when Sargent Andrew Dineen thought plaintiff was acting out of character by trying to feed him cold pizza, stumbling and had slurred speech. Rippe detained plaintiff in an office, without giving plaintiff his Miranda and Skelly rights, while waiting for the Internal Affairs investigators and the DRE (drug recognition experts) to arrive to start the criminal and disciplinary investigations. Plaintiff was arrested at work based on the report of bizarre behavior and incomplete field sobriety and drug tests. Plaintiff was given a blood test and criminally booked and placed on home duty while awaiting charges to be filed. On June 2, 2021, plaintiff's father, an attorney, sent a letter to the commanding officer of the Hollywood station that demanded all CCTV videos be saved. However, the CCTV videos were either not saved or destroyed, as they were not produced during formal discovery. On Sept. 28, 2021, the City Attorney determined that the blood test showed Soma (muscle relaxant) and Xanax (anti-anxiety) were in the therapeutic range and the criminal DUI charge was dropped. These medications were prescribed by plaintiff's pain management physician and taken at night to help alleviate his back pain and to assist him sleep without interruption. On Sept. 30, 2021, two days after the City Attorney declined to file criminal charges, Captain Yasir Gillani of the Hollywood station sent two sergeants and a DRE officer to plaintiff's house for a "wellness check". The sergeants' body worn cameras videos showed plaintiff was unimpaired and upset that the cops would show up at his house unannounced to try to arrest him. The videos showed that he told the sergeants he wanted legal representation, and after plaintiff called his attorneys, the sergeants and the DRE officer were told by Captain Gillani that they leave without taking plaintiff back
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to the station for testing.

In April 2022, Captain Gillani filed a Letter of Transmittal recommending that plaintiff be terminated for DUI and unfit for work on June 1, 2021. Captain Gillani's termination recommendation was reduced by Chief Michael Moore to a 22-day suspension without pay. Plaintiff refused to accept the reduced discipline and took the case to the Board of Rights, where there was a unanimous finding of "not guilty".

Captain Gillani filed a second Letter of Transmittal against plaintiff for recording a meeting with him without his consent. This second Letter of Transmittal recommended a suspension. Plaintiff refused to accept the suspension, as the Police Officer Bill of Rights allowed him to record without consent during a meeting in which the subject was discipline (the 22-day suspension without pay). For the second time, the Board of Rights exonerated plaintiff by a unanimous vote, finding him not guilty.

Due to the criminal arrest, plaintiff to date has not been promoted to detective.

Contentions

PLAINTIFF'S CONTENTIONS: Plaintiff alleged that he was targeted, harassed, discriminated and retaliated against due to his on the duty injury for which he had to take leaves of absence to get treatment, that he was considered damaged goods by his commanding officers, and that the false arrest, the "wellness check" at his house, and the attempts to terminate or suspend him constituted disability discrimination, harassment, and retaliation, and his supervisors failed to prevent such unlawful and wrongful conduct in contravention of LAPD policies and procedures.

DEFENDANT'S CONTENTIONS: Defendant City of Los Angeles (LAPD) contended that plaintiff was/is a prescription medication abuser and addict, there was no disability discrimination, and plaintiff has psychosis, such as paranoia, causing him to believe there was a conspiracy against him.

Settlement Discussions

None.

Specials In Evidence

Loe: \$60,000 for past loss of earnings due to the loss of the detective promotion. Future Loe: \$380,000

Damages

Noneconomic damages of severe emotional distress, anxiety, depression, humiliation, embarrassment. And loss of increased earnings as a detective.

Injuries

Emotional injuries of adjustment disorder with depression and anxiety, loss of safety, loss of enjoyment of life, humiliation of being arrested in front of his colleagues, embarrassment and indignity.

Result

Plaintiff's verdict for \$1.5 million (\$1,320,000 for past and future non-economic damages, and \$180,000 for past and future economic damages.

Other Information

Plaintiff intends to move for attorney's fees, costs and expert witness fees pursuant to Government Code section 12965(c)(6)

Deliberation

1.5 days

Poll

various

Length

12 days