

WRONGFUL TERMINATION

Whistleblower Protection

Verdict: Defense

CASE/NUMBER: Rebecca Pereyra
v. Desert Ophthalmology Medical
Corporation/ PSC1805174

COURT/DATE: Riverside Superior
/ Jan. 17, 2020

JUDGE: Irma P. Asberry

ATTORNEYS:

Plaintiff - Geoffrey C. Lyon (Lyon
Law PC)

Defendant - Yuk K. Law, Zachary
Schwake (Law & Brandmeyer LLP)

FACTS: Plaintiff Rebecca Pereyra,
50, was an office manager for
defendant Desert Ophthalmology
Medical Corporation. She was
terminated after 10 months on
the job for excessive tardiness,
violation of the office policy in
texting to call off work, ineffective
management of the various
departments in the office, and
fostering favoritism among her
select employees.

PLAINTIFF'S CONTENTIONS:

Plaintiff claimed she was
wrongfully terminated in
violation of the whistleblower
protection under California
Labor Code Section 1102.5,
because she believed defendant
engaged in Medicare billing
irregularities, incorrect reporting
of cash payments by patients, and
prescription forgery.

DEFENDANT'S CONTENTIONS:

Defendant disputed that there
was any basis for plaintiff's
whistleblower protection status in
that her allegations were untrue
and/or plaintiff misunderstood
billing and booking requirements
and procedures. Defendant
contended that plaintiff was an
ineffective office manager who
did not meet her job duties and
expectation, and she had repeated
and frequent attendance issues
that she failed to correct after
counseling.

INJURIES: Plaintiff claimed
emotional distress, including
depression and anxiety, which
required medical treatment.

DAMAGES: Plaintiff's counsel
sought total general and economic
damages in the amount of \$2.2
million.

SETTLEMENT DISCUSSIONS:
Plaintiff's last settlement demand
was \$500,000. Defendant's last
settlement offer was \$2,000.

RESULT: The jury returned
a defense verdict on both
whistleblower protection and
wrongful termination claims.

OTHER INFORMATION:
Defendant will seek costs.

FILING DATE: Jan. 28, 2020