

Knowing the Intricacies of State Law Made the Difference in Obtaining Dismissal of a Disability Discrimination Charge

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Where we started: Our client, a national chemical manufacturing company, had an employee with multiple and recurring performance issues. He also had a complicated medical history which included episodes of mental illness. Though these incidents required absence from work for medical treatment, his physician routinely released him to resume work without any limitations. After the employee failed to correct his performance issues, the employer terminated him. The employee alleged discrimination based on his medical history and condition and brought suit against the employer not under the federal Americans with Disabilities Act (ADA) but under Louisiana's state version of the ADA.

Our strategy – plus more: Before this case reached McGlinchey, another firm had represented the employer in the case for 10 years, and had failed to observe the deadlines for discovery and to make a motion for summary judgment – likely due to a misunderstanding of the differences between the federal ADA and Louisiana's ADA. Working swiftly, McGlinchey's Labor and Employment team obtained an extension from the court and submitted a motion for summary judgment highlighting the nuances in the Louisiana ADA applicable to the facts in this case.

Upshot: The Louisiana court granted our motion of summary judgment, ending the suit against our client. If McGlinchey had not been retained, the matter would have been forced to trial – with a possible adverse verdict and costly settlement.