

## White and Williams Obtains Summary Judgment for BAE Systems in Employment Dispute in Massachusetts Federal Court

12.23.21

White and Williams won summary judgment for BAE Systems Information and Electronic Systems Integration Inc., a defense, aerospace and security concern, in an employment case in the United States District Court for the District of Massachusetts. The case, *Naimark v. BAE Systems Information and Electronic Systems Integration Inc.*, was brought by an engineer the company terminated in 2018. The plaintiff asserted causes of action for age discrimination, disability discrimination, discrimination based on perceived disability, common law wrongful termination in violation of public policy and retaliation.

In a Memorandum and Order dated December 23, 2021, United States District Judge Denise Casper ruled that each of the plaintiff's claims was fatally flawed. The age discrimination claim failed for lack of proof of acceptable performance and pretext. The disability claims failed for lack of proof of an actual disability, lack of proof of a perception of disability, lack of proof of pretext and lack of proof of a refusal to accommodate. The wrongful termination claim failed because the implicated statute, the False Claims Act, provides a comprehensive remedy that effectively pre-empts the common law claim. The retaliation claim failed for lack of proof that the alleged request for accommodation in the form of a late start time precipitated the termination, and for lack of proof of pretext. The court has entered judgment in BAE Systems' favor.

David Chaffin represents BAE Systems.