

New Jersey/Metro

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Former GE engineer wins age-discrimination case

By Peter Finn
INQUIRER CORRESPONDENT

After a nine-day trial, a federal jury in Trenton awarded \$796,000 in damages Thursday to a former GE Aerospace senior engineer who said the defense contractor discriminated against him on the basis of age when it laid him off in June 1990.

Murray Garden, 65, of Oreland, Pa., argued that the way GE Aerospace in Moorestown ranked its employees forced older workers to the bottom and pushed younger workers to the top without regard to their skills. The company used the ranking as a guide when laying off workers.

According to Stephen G. Console, Garden's lawyer, GE ranked all its senior engineers according to a range of criteria, including their potential. It then separately ranked junior engineers before merging both lists, leaving many of the senior engineers at the bottom. Console said.

Garden, a software engineer who

graduated from the Massachusetts Institute of Technology in 1950, was ranked 47th of 54 senior and junior engineers. All the engineers below Garden in the rankings were older than 50 and also laid off, Console said.

Console said he believed none of the other senior engineers had sued the company.

"It's like saying being at the bottom of the honors class is worse than being at the top or in the middle of the slow class," said Console.

Garden, who was hired by RCA in 1985, a year before its merger with GE, has been unemployed since he was laid off.

A spokesman for GE said the company was reviewing the decision and considering an appeal.

"GE believes its management acted fairly and in a nondiscriminatory manner in regard to Mr. Garden," said Jim Tierney, a company spokesman.

Inside: Technology and Litiga

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IN PERSONAM

SUITS & DEALS

Age Discrimination Verdict — Garden v. General Electric Company: A federal jury in Trenton has awarded a 65-year-old former General Electric Company engineer nearly \$800,000 after finding that he had been fired because of his age.

The jury on Oct. 8 awarded Murray Garden of Oreland, Pa., \$796,044 in compensatory and punitive damages after finding that Garden's termination in June 1990, at the age of 63, breached the federal Age Discrimination in Employment Act, 29 U.S.C. Section 621, and the New Jersey Law Against Discrimination, N.J.S.A. 10:51.

Garden's attorney, Stephen Console of the Law Offices of Stephen G. Console in Haddon Heights, says Garden had been hired by RCA in 1985 and had continued working at the company's Moorestown defense industry facility after G.E. acquired RCA in 1986. After his 1990 termination, Garden sued, alleging age discrimination. Console says he presented evidence at the nine-day trial before U.S. District Judge Clarkson Fisher that G.E.'s ranking of its engineers for force-reduction purposes was biased in favor of younger employees.

In its verdicts, the jury awarded Garden \$137,000 in back pay; \$114,044 for what Garden would have earned from the day of the verdict until what would

have been his retirement about two years from now; \$137,000 in damages under the Age Discrimination in Employment Act, based on G.E.'s willful or reckless disregard of the act; \$10,000 in compensatory damages for the company's violation of the New Jersey Law Against Discrimination; and \$398,000 in punitive damages for violation of the state's anti-discrimination act.

G.E.'s trial counsel, Michael Banks, a partner at Philadelphia's Morgan, Lewis & Bockius, declined to comment on the case, referring questions to officials for the Fairfield, Conn.-based company. Jim Tierney, a spokesman for G.E. Aerospace in King of Prussia, Pa., would say only that "G.E. believes that its management acted fairly and in a non-discriminatory manner with respect to Mr. Garden." Tierney says the company has not decided whether to appeal.

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SOUTH JERSEY

Bicent (GB) in Moorestown won a large discrimination lawsuit against the company.

An eight-member jury on Wednesday awarded Murray Garden a Montgomery County fee award of \$46,000, plus attorney fees.

The money includes back pay and damages under the Age Discrimination in Employment Act and compensatory damages under the New Jersey Law Against Discrimination.

"They had a banking system that was age based to young employees," said Garden attorney Stephen G. Console. "Hopefully, this will send a message to companies like General Electric."

Garden was among a group of employees who were laid off in 1990. Although Garden was his employer, he was included on the list because of his "all-occasion" performance ranking with the company, said Console.

GB spokesman Jim Thorne said the company did not have

the best management

policy and to a

discriminatory measure

the law, Console said.

"They've had a strong

workforce system that is

non-discriminatory.

Representatives of GB are reviewing the matter to determine whether to appeal the verdict.

MANITOK - A 65-year-old

senior manager at General

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DATELINE

Trenton, N.J.

A federal jury has awarded approximately \$800,000 to a former General Electric employee for claims brought under the Age Discrimination in Employment Act and the New Jersey Law Against Discrimination.

Murray Garden of Orland, Montgomery County, formerly a senior engineer at GE's Moorestown facility, submitted evidence establishing that GE's system of ranking its engineers was age-biased to favor younger engineers.

The jury found that testimony by GE concerning the alleged poor performance of Garden was pretextual. The nine-day trial was conducted in Trenton before U.S. District Judge Clarkson Fisher.

The award was broken down as follows: back pay, 137,000; front pay \$114,044; liquidated damages under the ADEA, \$137,000; punitive and compensatory damages under the NJLAD, \$408,000. Garden, 65, was represented in the suit by Philadelphia attorney Stephen G. Console.

Garden, who has been unemployed since his layoff from GE in 1990, was hired by RCA at age 58, but was terminated at age 63 as part of a reduction in force after RCA was acquired by GE.