

SOME OF MR. HARPER'S TRIAL EXPERIENCE

G. THOMAS HARPER

<u>CASE NAME</u>	<u>COURT/JUDGE</u>	<u>CASE TYPE</u>	<u>DISPOSITION</u>
<u>Oliver Graham v. IFF Chem Holdings, Inc.</u> <u>FMCS No.</u> <u>101215-04298-6</u> <u>Grievance No. 2010-07</u>	Before the Federal Mediation and Conciliation Service, Stanley H. Sergent Impartial Arbitrator	Discharge for Work Performance Errors	Discharge of Operator IV UPHELD and Grievance DENIED. Hearing held on May 26, 2011. Briefs submitted on July 8, 2011. Arbitrator's Award (22 pages) dated July 25, 2011.
<u>Anthony Chickillo v. Benton Express, Inc.</u> Case No.: 8:09-CV-2020-T23-EAJ	United States District Court, Middle District of Florida, Tampa Division	Evidentiary Hearing on a Motion to Enforce a Settlement Agreement	Evidentiary Hearing before Magistrate Judge Elizabeth Jenkins on November 17 and December 1, 2010
<u>Jose Guerra and Teamsters, Local 769 v. SATELLITE SERVICES, INC.</u> CASE NO. FMCS-3163	Before the Federal Mediation and Conciliation Service, Thomas G. Humphries, Impartial Arbitrator	Discharge of an employee for falsifying a work order and for union activity	Hearing on January 22, 2010. The Grievance was withdrawn after the presentation of the employer's case-in-chief.

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<u>United Steel Workers, AFL-CIO-CLC and USW Local Union No. 15431 (Ronnie Lunford) v. IFF Chemical Holdings, Inc.</u> FMCS No. 090923-02622-3	Before the Federal Mediation and Conciliation Service, Thomas O'Brien, Impartial Arbitrator	Issue: Disciplinary Suspension pending discharge of 30+ year employee, absent medical reasons for job performance and contract language dispute over filling of position after 12 weeks of FMLA leave.	1-day arbitration with 10 witnesses; Conducted February 18, 2010
<u>United Steel Workers, AFL-CIO-CLC and USW Local Union No. 15431 v. IFF Chemical Holdings, Inc.</u> FMCS No. 09-02624 Grievance No. 2007-04 119% Rule	Before the Federal Mediation and Conciliation Service, Mark Scarr, Impartial Arbitrator	Issue: Contract Language requiring the employer to pay 119% of the contract rate of pay	1 day – Arbitration Conducted February 10, 2010
<u>McKinley Group of Florida, LLC v. Brad Jameson</u> Case No.: 2008-CA-012551	Circuit Court, Fourth Judicial Circuit, Duval County before the Honorable Hugh A. Carithers	Enforcement of restrictive covenants in an Employment Agreement	3 day – non jury trial conducted in May, 2009

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<u>Lela George v. Gold Kist Inc.</u> , Case No. 05-CA-145	Arbitration Proceedings Before the Honorable Major B. Harding, Impartial Arbitrator	Workers' Compensation Retaliation	5-day Arbitration in Live Oak, FL concluding in March of 2008; decision in favor of Defendant, Gold Kist Inc.
<u>Ron Russell v. Kmart Corp.</u> , Case No. 93-102-CIV-OC- 10	U.S. District Court, Middle District of Florida, Ocala Division, Judge William T. Hodges	Age discrimination- termination of Department Manager	5-day jury trial in Ocala, Fl; verdict for Defendant Kmart Corporation
<u>Oveda Williams v. Gold Kist Inc.</u> , Case No. 93-1644-CIV-J- 10	U.S. District Court, Middle District of Florida, Jacksonville Division, Judge William T. Hodges	Age discrimination- Termination of Human Resource Associate	5-day jury trial in Jacksonville, Fl. With verdict for Defendant Gold Kist Inc.
<u>PYA Monarch, Inc. v. Alan Britz</u> , Case No. CI-91-3956, Div. 39	Circuit Court for Orange County, Florida; Judge William C. Gridley	Enforcement of covenant not to compete	Judge trial in Orlando; our firm represented PYA Monarch and was granted an injunction against former employee's continued employment in competition with PYA

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<u>Waverly Mineral Products v. United Steelworkers of America</u> , FMCS No. 91 - 7912	Federal Mediation and Conciliation Service; Robert W. Foster, Arbitrator	Discharge of employee for conduct away from work	Grievance denied
<u>Ken E. Brown v. Stone Container Corporation</u> , FCHR No. 91-2763	Florida Commission on Human Relations, Diane Cleavinger, Administrative Law Judge, Florida Division of Administrative Hearings	Race discrimination	Trial before Administrative Law Judge; Motion to Dismiss Charge of Discrimination granted and upheld by the Florida Commission on Human Relations
<u>United Food and Commercial Workers Union, Local 1063 v. Jones Operations & Maintenance Company</u> , Case No. 30 300 00023 91	American Arbitration Association; Philip A. LaPorte, Arbitrator	Implementation of drug testing policy and subsequent discharges for positive test results at Warner Robbins Air Force Base, Warner Robbins, Ga.	Arbitrator held insufficient notice of drug testing policy; grievance upheld
<u>United Paperworkers International Union, Local 1649 v. Seminole Kraft Corporation</u> , 91-05675	Federal Mediation and Conciliation Service; James F. Searce, Arbitrator	Basis for promotions at Seminole Kraft paper mill In Jacksonville, Fl.	Decision from Arbitrator received denying grievance filed by union

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<u>Rodney Dudgeon v. Wal-Mart Stores Inc., Case No. 91-1209-CA-J1991</u>	Gainesville, Fl., Eighth Circuit, Alachua County, Circuit Judge Beecham	Age discrimination claimed by Store Manager	2-week jury trial in state court in Gainesville, Fl.; Company found not guilty of age discrimination, transfer or constructive discharge
<u>Cain Turner v. Wal-Mart Stores, Inc. d/b/a Sam's Wholesale Club Case No. 91-90-021</u>	City of Gainesville, Fl. Human Relations Commission-12 Commissioners	Termination of employment for racial discrimination	Hearing before the full Commission of the Gainesville Florida Human Relations Commission. Resulted in a finding of "No Cause" to believe former employee's claim of discrimination.
<u>Bartlett, et al. v. Southern Wine & Spirits of Northern California, Inc., Case No. 634026-3</u>	Superior Court of California, County of Alameda, Oakland, Calif. (assigned to several judges)	Sexual harassment claimed by several former office employees	Multiple Plaintiffs with claims of sexual harassment and sex discrimination; set for jury trial and case settled 4 days prior to trial
<u>Gillette Sickroom Supply v. Penny W. Rivette, Case No. 90-58-CA-01</u>	Circuit Court, Escambia County, Florida, Judge Nicolas Geeker	Enforcement of covenant not to compete against former employee	Judge decision entered denying Plaintiff's request for injunction; our firm represented Penny W. Rivette and her employer, Hillenbrand Industries of Batesville, IN

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<u>The Coca-Cola Company, Foods Division (Minute Maid) v. Teamsters Local No. 444</u>	Federal Mediation and Conciliation Service, Leonard H. Davidson, Arbitrator	Disciplinary suspension	Grievance of union denied
<u>Peggy Moore v. Belk-Lindsey Stores, Inc., d/b/a Belk Lindsey, a Florida Corporation and Michelle Dougherty,</u> Case No. 97-8-CIV-OC-10A	U.S. District Court, Middle District of Florida, Ocala Division, Judge William T. Hodges	Quid pro quo, hostile environment sexual harassment, claims for negligent training, retention and supervision, and punitive damages, including constructive discharge	9-day jury trial ending in verdict for Plaintiffs; punitive damage award reduced by court after trial; case settled after trial
<u>Morris Moses, et al., v. Kmart Corporation,</u> Case No. 94-0488-CIV-ATKINS	U.S. District Court, Southern District of Florida, Miami Division, Judge C. Clyde Atkins	8-Plaintiff age discrimination lawsuit filed by group of Kmart pharmacy managers	30-day jury trial ending in Verdict for Defendant on 3 Plaintiffs, verdict for Plaintiff on 3 Plaintiffs. 2 Plaintiffs were dismissed from case.
<u>Waverly Mineral Products v. United Steelworkers of America,</u> FMCS No. 88-23073	Federal Mediation and Conciliation Service; Robert W. Foster, Arbitrator	Discharge for failure to meet performance standards	Grievance filed by union was denied.

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<u>Earl Allan v. Southwest Forest Industries, Inc., 85 702-CA</u>	Circuit Court for Bay County, Florida; Judge Donald T. Simmons	Retaliatory discharge for workers' compensation injury and filing of workers' compensation claim under Florida Statutes 440.205	3-day jury trial in state court in Panama City, Fl.; jury verdict for Defendant with finding of no retaliatory discharge.
<u>The Coca-Cola Company, Foods Division v. Teamsters Local No. 444, FMCS No. 89-17406</u>	Federal Mediation and Conciliation Service; Arbitrator Richard O'Neill	Disciplinary suspension	Union's grievance denied
<u>Maurice R. Hardrick v. Wales Industries, Inc., Case No. CA-3-86-1604H</u>	U.S. District Court, Northern District of Texas, Dallas Division; Judge "Barefoot" Sanders	Race discrimination	Judge trial; Order entered finding the Company not guilty of race discrimination.
<u>Margarette A. Dublin v. Belk Lindsey Department Stores, Inc., FCHR No. 86-1960</u>	Before the Florida Commission on Human Relations; Judge Mary A. Clark, Administrative Law Judge, Florida Division of Administrative Hearings	Race/Age discrimination and §1981 claims filed by terminated Department Manager	6-day trial before Administrative Law Judge; decision received finding Company not guilty of race or age discrimination; decision upheld by Florida Commission on Human Relations; companion suit filed in U.S. District Court dismissed.

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<u>Barnes, et al. v. Southwest Forest Industries,</u> Case No. MCA 85-2003-RV	U.S. District Court, Northern District of Florida, Panama City Division; Judge Roger Vinson	Age Discrimination claimed by 5 former security guards at Panama City Fl. paper mill	Summary Judgment Motion granted by Judge Vinson for Defendant; Summary Judgment upheld by 11th Circuit Court of Appeals reported at 814 F.2d 207 (11th Cir. 1987).
<u>Stone Container Corporation v. United Paperworkers International Union,</u> Case No. PC-221-E 85	Federal Mediation and Conciliation Service; B.R. Skelton, Arbitrator	Drug Testing discharge of paper mill employee in Jacksonville, Fl.	Disciplinary policy of Employer upheld; no Back-pay ordered
<u>Ard, et al., v. Southwest Forest Industries, Inc.,</u> MCA-85-2002-RV	U.S. District Court, Northern District of Florida, Panama City Division; Judge Roger Vinson	Age discrimination claimed by 5 former Supervisors at Panama City, Fl. Paper mill (Robert F. Phifer with my firm was co-counsel in this trial)	5-day jury trial; verdict for Plaintiffs; Motion for JNOV by Defendant granted by Judge Vinson; case ordered retried.
<u>John H. Johnson v. United Homes Services and Leonard Christian,</u> Case No.83-3567	U.S. District Court, Middle District of Florida, Orlando Division; Judge Elizabeth A. Kovachevich	Pregnancy discrimination	3-day judge trial in Orlando, Fl.; verdict for Defendant finding Company not guilty of discrimination

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<u>Ard, et al. v. Southwest Forest Industries, Inc.</u> , Case No. MCA-85-2002-RV	U.S. District Court, Northern District of Florida, Panama City Division; Judge Roger Vinson	Age discrimination claimed by 5 former Supervisors at Panama City, Fl. Paper mill (Robert F. Phifer with my firm was co-counsel in this trial)	5-day jury trial in Panama City, Fl.; verdict for Defendant finding Company not guilty of age discrimination; appeal to 11 th Circuit upheld District Court's JNOV and jury's not guilty verdict.
<u>Great Dane Trailers Indiana, Inc. v. United Cement, Lime, Gypsum and Allied Workers International Union, AFLCIO</u> , Case No. 25-RC-7822, et al.	National Labor Relations Board; Steven M. Charno, Administrative Law Judge	Unfair labor practice charges following union representation election (4day trial)	Trial before NLRB Administrative Law Judge in Brazil Indiana; held Company had violated Section 8(a) (1) of NLRA; other alleged violations were dismissed. Case appealed to NLRB.
<u>Phoenix Medical Technologies v. Derrick McCray</u>	Discharge of union organized for theft	Arbitration	Union grievance denied. Reinstatement of terminated employee denied.
<u>Model Dye Southern, Inc. and International Ladies' Garment Workers' Union, AFL-CIO, Petitioner, Sumter, SC</u>	Before George Carson, Hearing Officer, Region Eleven, National labor Relations Board	Region 11 of the National Labor Relations Board Hearing on Objections	Objections Overruled and Employer election win affirmed by NLRB in Washington

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<u>The Great Atlantic & Pacific Tea Company v. Occupational Safety and Health Administration,</u> OSHRC Docket Nos. 6499 and 7207 <u>Eustis, FL</u>	Use of metal mesh gloves in retail meat market	Trial before OSHA Administrative Law Judge	Citation against A & P dismissed through Directed Verdict after close of case by Office of Solicitor, Secretary of Labor
<u>International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers & Helpers, AFL-CIO, and Offshore Shipbuilding, Inc.,</u> Case No. 12-CA10513	National Labor Relations Board; William A. Gershuny, Administrative Law Judge	Unfair labor practice charges following union representation election	2 week trial before NLRB Administrative Law Judge in Palatka, Fl.; NLRB claims of unlawful discharge of 5 former shipyard employees were dismissed; NLRB found that Company had not violated NLRA.
<u>Carolyn C. Philpot v. Gold Kist Inc.</u> DOAH Case No.2004-0037	Judge Don Davis with the Division of Administrative Hearings Live Oak, FL	Administrative Appeal of charge alleging refusal to hire due to age. Recommended Order Charge of discrimination be dismissed	Trial in Live Oak, Fl. Before Administrative Law Judge Don Davis with the Fla. Division of Administrative Hearings. Order entered finding company not guilty of discrimination