



Workers claimed they were discriminated against

Type: Mediated Settlement

Amount: \$900,000

State: New York

Venue: Federal

Court: U.S. District Court, Southern District, NY

Case Type:

- *Employment* - Retaliation; Age Discrimination; Hostile Work Environment; National Origin Discrimination

Case Name: Robert Doran, Maria Baez, Alexander Shaporov and Bernard Linn v. State of New York, Erin Ives, Dennis Rosen, Dan Coyne, Anna Coschignano, Robert Byrnes, Russell S. Rizzo, Christopher Mulhall, Edward Michael Dressler, Edward Meyer, Sean Mahoney, Gabrielle Ares, and John and Jane Does 1-5 (said names being fictitious, the persons intended being those who aided and abetted the unlawful conduct of the named Defendants), No. 15-cv-7217 (PKC)

Date: March 22, 2022

Plaintiff(s):

- Maria Baez, (Female, 42 Years)
- Bernard Linn, (Male, 68 Years)
- Robert Doran, (Male, 63 Years)
- Alexander Shaporov, (Male, 41 Years)

Plaintiff Attorney(s):

- Samuel O. Maduegbuna; Maduegbuna Cooper LLP; New York NY for Robert Doran,, Maria Baez,, Alexander Shaporov,, Bernard Linn
- William W. Cowles; Maduegbuna Cooper LLP; New York NY for Robert Doran,, Maria Baez,, Alexander Shaporov,, Bernard Linn

Plaintiff Expert (s):

- Kristin K. Kucsma M.A.; Economics; Livingston, NJ called by: Samuel O. Maduegbuna, William W. Cowles

Defendant(s):

- Dan Coyne
- Erin Ives
- Dennis Rosen
- Edward Meyer
- Sean Mahoney
- Robert Byrnes
- Gabrielle Ares
- Russell S. Rizzo
- Anna Coschignano
- State of New York
- Christopher Mulhall
- Edward Michael Dressler
- New York State Department of Health Office of the Medicaid Inspector General

**Defense
Attorney(s):**

- Seth Farber; Office of the Attorney General; New York, NY for State of New York, Erin Ives, Dennis Rosen, Dan Coyne, Anna Coschignano, Robert Byrnes, Russell S. Rizzo, Christopher Mulhall, Edward Michael Dressler, Edward Meyer, Sean Mahoney, Gabrielle Ares, New York State Department of Health Office of the Medicaid Inspector General
- Todd A. Spiegelman; Office of the Attorney General; New York, NY for State of New York, Erin Ives, Dennis Rosen, Dan Coyne, Anna Coschignano, Robert Byrnes, Russell S. Rizzo, Christopher Mulhall, Edward Michael Dressler, Edward Meyer, Sean Mahoney, Gabrielle Ares, New York State Department of Health Office of the Medicaid Inspector General
- Erin McAlister; Office of the Attorney General; New York, NY for State of New York, Erin Ives, Dennis Rosen, Dan Coyne, Anna Coschignano, Robert Byrnes, Russell S. Rizzo, Christopher Mulhall, Edward Michael Dressler, Edward Meyer, Sean Mahoney, Gabrielle Ares, New York State Department of Health Office of the Medicaid Inspector General

**Defendant
Expert(s):**

- Michael J. Vernarelli Ph.D.; Economics; Rochester, NY called by: for Seth Farber, Todd A. Spiegelman, Erin McAlister

Facts:

In 2012, plaintiffs Robert Doran, 63, a Level 2 Medicaid Investigator (MI-2); Maria Baez, 42, an MI-2 investigator; Alexander Shaporov, 41, an MI-2 investigator; and Bernard Linn, 68, a Level 2 Management Specialist (MS-2), allegedly began to be discriminated against based on their race, sex, national origin, age and/or Jewish ancestry. (Baez is Hispanic; Shaporov is of Russian ancestry, was born in Russia and immigrated to the United States; and Linn is of Jewish heritage and ancestry.) Doran and the other employees of the New York State Department of Health, Office of the Medicaid Inspector General, claimed that when they complained about the discrimination, they were retaliated against and subjected to a hostile work environment.

Doran, Baez, Shaporov and Linn sued Deputy Medicaid Inspector General Anna Coschignano; Dennis Rosen, Dan Coyne, Russell Rizzo and Robert Byrnes. They also sued the State of New York; the New York State Department of Health, Office of the Medicaid Inspector General; Erin Ives; Christopher Mulhall; Edward Dressler; Edward Meyer; Sean Mahoney; and Gabrielle Ares. Doran, Baez, Shaporov and Linn alleged that the defendants' actions constituted violations under the Age Discrimination in Employment Act (“ADEA”), the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution pursuant to §1983 (“Equal Protection Clause”), and the New York State and City Human Rights Laws.

Doran, Baez, Shaporov and Linn claimed that during Coschignano's tenure as Deputy Medicaid Inspector General, from March 2012 to December 2015, decisions were made regarding appointments, hiring and promotions that were discriminatory. They alleged that there was a culture of biased and irregular hiring procedures that denied them promotions and retaliated against them for filing internal discrimination complaints on the basis of age, race, and/or national origin. They also alleged that when they filed the subject lawsuit, they were further retaliated against from 2015 until 2020.

Defense counsel denied the allegations, contending that appointments, hiring and promotions were based on the merits of independent panel interviews and contacts in the law enforcement world.

Injury:

Doran, Baez, Shaporov and Linn all remained employed with the Office of the Medicaid Inspector General. However, they claimed they suffered emotional damages and economic losses as a result of the defendants' actions.

Based on the plaintiffs' economic expert's calculations, Doran sought recovery of \$314,642 in total economic damages, including \$105,379 for his past loss of earnings, \$94,380 for his future loss of earnings, \$50,341 for his loss of pension and \$64,542 in compensation for excess taxes. He also sought recovery of \$135,000 in non-economic damages for his emotional pain and suffering. In total, Doran sought recovery of \$449,642 in total losses.

Based on the plaintiffs' economic expert's calculations, Baez sought recovery of \$479,665 in total economic damages, including \$58,760 for her past loss of earnings, \$220,436 for her future loss of earnings, \$109,060 for her loss of pension and \$91,409 in compensation for excess taxes. She also sought recovery of \$135,000 in non-economic damages for her emotional pain and suffering. In total, Baez sought recovery of \$614,665 in total losses.

Based on the plaintiffs' economic expert's calculations, Linn sought recovery of \$191,275 in total economic damages, including \$42,462 for past loss of earnings, \$45,345 for future loss of earnings, \$76,060 for his loss of pension and \$45,219 in compensation for excess taxes. He also sought recovery of \$135,000 in non-economic damages for his emotional pain and suffering. In total, Linn sought recovery of \$326,275 in total losses.

Shaporov sought recovery of \$135,000 in non-economic damages for his emotional pain and suffering.

In addition, Doran, Baez, Linn and Shaporov sought punitive damages against the defendants based on their conduct.

Defense counsel asserted that, as a legal issue, multiple plaintiffs could not receive 100 percent damages for the same promotion denial. Plaintiffs' counsel agreed, but there was a dispute about how the court should address the issue. In their motion in limine, defense counsel asserted that only one plaintiff could recover for each position, while plaintiffs' counsel asserted that the defense was ignoring the lawful pro rata approach.

Result:

The parties negotiated a \$900,000 pretrial settlement, which was established via the guidance of a mediator, Judge P. Kevin Castel. Of the total settlement, \$ 450,000 was for the plaintiffs' emotional distress and \$450,000 was for attorneys' fees and costs. The parties also agreed to make \$50,000 in back pay pensionable for Doran, Linn, and Baez. As an additional part of the settlement, the parties agreed to a five-step promotion for Doran, from SG-18 to SG-23, and a title change from Investigative Specialist 1 to Investigative Specialist 2. The parties also agreed to a four-step promotion for Linn, from SG-23 to SG-27, and a title change from Management Specialist 2 to Management Specialist 3. (Baez and Shaporov were not promoted.)

Bernard Linn

Alexander Shaporov

Maria Baez

Robert Doran

Trial Information:

Judge: P. Kevin Castel

Trial Length: 0

**Trial
Deliberations:** 0

**Editor's
Comment:** This report is based on information that was provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's phone calls.

Writer Priya Idiculla