

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT

Woodie v. Azteca International Corp.

60 A.D.3d 535 (1st Dep't 2009) · Decided March 24, 2009

SUMMARY

The court unanimously affirmed a judgment awarding the plaintiff damages against Azteca International Corp., TV Azteca, and San Roman, as well as an order denying defendants’ motion to set aside the jury verdict. The court held that the plaintiff established a prima facie employment-discrimination claim under Executive Law § 296, presented evidence that defendants’ stated reasons for termination were pretextual, and that the verdict was supported by legally sufficient evidence and a fair interpretation of the evidence. The court also upheld evidentiary and jury-charge rulings made at trial.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Tom, J.P.; Mazzarelli, J.; Nardelli, J.; Catterson, J.; Moskowitz, J.
JURISDICTION	New York
DECIDED	March 24, 2009
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendants appealed from a judgment entered after a jury trial awarding plaintiff damages and from an order denying defendants' motion to set aside the verdict.
STANDARD OF REVIEW	The court reviewed whether the verdict was against the weight of the evidence, whether the evidence was legally sufficient to support the verdict, whether the trial court abused its discretion in granting the motion in limine, and whether alleged jury-charge errors required reversal. A verdict is not against the weight of the evidence when the jury could have reached its conclusion on a fair interpretation of the evidence; evidence is legally sufficient when a valid line of reasoning and permissible inferences could lead rational jurors to the verdict.
PRECEDENTIAL VALUE	Published opinion; precedential New York Appellate Division decision
PARTIES	Azteca International, TV Azteca, San Roman v. Woodie

TOPICS

employment discrimination

civil rights

appellate procedure

evidence

standard of review

PRACTICE AREAS

employment law

civil rights

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the evidence supported the jury's finding of employment discrimination under Executive Law § 296.
2. Whether the verdict was against the weight of the evidence or legally insufficient.
3. Whether the trial court improperly granted plaintiff's motion in limine to exclude certain extrinsic evidence.
4. Whether the trial court misstated plaintiff's prima facie burden by instructing the jury that plaintiff had to show he was qualified to hold the position of president of sales.
5. Whether the trial court erred by declining to give a same-actor inference charge.
6. Whether the failure to give a legitimate-expectations charge was prejudicial.

HOLDINGS

1. The three-part burden-shifting framework applies: the employee must establish a prima facie case, the employer must then articulate a legitimate nondiscriminatory reason, and the employee must finally show that the proffered reason is pretextual. Plaintiff presented sufficient evidence for the jury to infer that defendants' stated reasons for his termination were false and pretextual.
2. The verdict was not against the weight of the evidence because the jury could have reached its conclusion on a fair interpretation of the evidence.
3. The evidence was legally sufficient because a valid line of reasoning and permissible inferences could have led rational jurors to the verdict.
4. The trial court did not improvidently exercise its discretion by granting plaintiff's motion in limine to preclude certain extrinsic evidence.
5. The trial court properly charged that plaintiff's prima facie burden required him initially to show that he was qualified to hold the position of president of sales.
6. The trial court did not err by declining to give the jury a same-actor inference charge.
7. Any error in failing to give the legitimate-expectations charge was harmless.

KEY QUOTATIONS

“A three-part analysis is required for proving employment discrimination under Executive Law § 296” (535)

“The verdict was not against the weight of the evidence because the jury could have reached its conclusion on a fair interpretation of the evidence.” (536)

“inasmuch as a valid line of reasoning and permissible inferences could have led rational jurors to the conclusion they reached, the evidence was legally sufficient to support the verdict” (536)

FACTUAL BACKGROUND

Plaintiff alleged employment discrimination under New York Executive Law § 296 arising from his dismissal from the position of president of sales. Plaintiff established a prima facie case, defendants offered nondiscriminatory reasons for the dismissal, and plaintiff presented evidence permitting an inference that those reasons were false and pretextual. The jury found for plaintiff, and the Appellate Division concluded that the evidence supported the verdict and that the challenged evidentiary and jury-charge rulings did not warrant reversal.

PROCEDURAL HISTORY

After a jury trial in Supreme Court, New York County, plaintiff obtained a judgment awarding \$559,086 against defendants and an additional \$26,615.89 against Azteca International. The trial court denied defendants' motion to set aside the verdict. The Appellate Division unanimously affirmed the judgment and order without costs.

DISPOSITION

affirmed

CASES CITED

- Stephenson v. Hotel Emps. & Rest. Emps. Union Local 100 of AFL-CIO, 6 N.Y.3d 265, 270-271 (2006)
- Young v. Geoghegan, 250 A.D.2d 423 (1998)
- Caster v. Increda-Meal, Inc., 238 A.D.2d 917, 918 (1997)
- Ferrante v. American Lung Ass'n, 90 N.Y.2d 623, 629 (1997)
- Copeland v. Rosen, 38 F. Supp. 2d 298, 305 (S.D.N.Y. 1999)

OPINION

PER CURIAM.

Judgment, Supreme Court, New York County (Shirley Werner Kornreich, J.), entered November 26, 2007, after jury trial, inter alia, awarding plaintiff the principal sum of \$559,086 against defendants Azteca International, TV Azteca and San Roman, plus an additional \$26,615.89 from Azteca International, and order, same court and Justice, entered December 21, 2007, which denied said defendants' motion to set aside the verdict, unanimously affirmed, without costs.

A three-part analysis is required for proving employment discrimination under Executive Law § 296 (see Stephenson v Hotel Emps. & Rest. Emps. Union Local 100 of AFL-CIO, 6 NY3d 265, 270-271 [2006]). The employee must first establish a prima facie case of discrimination.

The burden then shifts to the employer to rebut the prima facie case with a legitimate reason, in which case the burden shifts back to the employee to show that the proffered reasons are pretextual. Here, after plaintiff made a prima facie case of discrimination, defendants offered nondiscriminatory reasons for plaintiff's dismissal, and plaintiff then adduced facts permitting a reasonable inference that the reasons proffered for his termination were false and merely a pretext for discrimination.

The verdict was not against the weight of the evidence because the jury could have reached its conclusion on a fair interpretation of the evidence. Furthermore, inasmuch as a valid line of reasoning and permissible inferences could have led rational jurors to the conclusion they reached, the evidence was legally sufficient to *536support the verdict (see *Young v Geoghegan*, 250 AD2d 423 [1998]).

The court did not improvidently exercise its discretion in granting plaintiff's motion in limine to preclude the introduction of certain extrinsic evidence at trial (see *Caster v Increda-Meal, Inc.*, 238 AD2d 917, 918 [1997]).

The court did not err in charging the jury that to meet his prima facie burden on his discrimination claim, plaintiff initially had to show simply that he was "qualified to hold the position of president of sales" (see *Ferrante v American Lung Assn.*, 90 NY2d 623, 629 [1997]). Nor did the court err in declining to give the jury a "same actor inference" charge (see *Copeland v Rosen*, 38 F Supp 2d 298, 305 [SD NY 1999]).

Given the evidence in this case, the failure to give the legitimate expectations charge was harmless (see 2 NY PJI2d 9:1, at 1471 [2009]). Concur—Tom, J.P., Mazzairelli, Nardelli, Catterson and Moskowitz, JJ.