

## McV's Labor & Employment Law Group Achieves Important Victory

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### PRACTICE AREAS

- Labor & Employment
- Labor Litigation

### McV Labor & Employment Law News

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The U.S. First Circuit Court of Appeals recently upheld a summary dismissal in a multi-million dollar lawsuit filed against Sanofi Aventis Puerto Rico, Inc. and Sanofi US Services, Inc. in an age discrimination case led by McV Labor & Employment Law attorneys Anita Montaner-Sevillano and Reinaldo L. Figueroa-Matos.

The appeal turned on whether there existed evidence of pretext during a consolidation and reduction in workforce process to rebut Sanofi's legitimate proffered reason for the selection of an older worker who had been a star performer for over 15 consecutive years.

The U.S. First Circuit Court of Appeals upheld the selection of the appellant for lay-off over a younger co-worker upon finding, among other reasons, that even if Sanofi's decision maker showed preference for the younger co-worker early on in the process, or referenced the appellant's older age, those facts did not evidence pretext because the reason for preferring the younger co-worker was legitimate and the appellant was not able to challenge or contest it as false. The three-judge panel concluded that the timeline of events did not evidence pretext and that listing ages was a reference to protected status, not bias.

You can access the Court's Opinion on [Zabala-De Jesus v. Sanofi-Aventis Puerto Rico, Inc.](#), No. 18-1852 **here**.

Congratulations to the team on this important victory!

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