



BELL NUNNALLY DEFEATS AGE DISCRIMINATION CLAIM IN FIFTH CIRCUIT VICTORY, WIN PROFILED ON LAW360

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Bell Nunnally partners Jay M. Wallace and Kristopher D. Hill, along with associate Saba F. Syed affirmed a summary judgment in the U.S. Court of Appeals for the Fifth Circuit for their client in an age discrimination matter. The court rejected claims brought against Calgary-based DIRT Environmental Solutions, a win documented in the Law360 article titled, “‘Unprofessional Behavior’ Sinks Age Bias Suit, 5th Circ. Says.”

In the case – Patricia Gill v. DIRT Environmental Solutions Inc. case number 18-50901, in the U.S. Court of Appeals for the Fifth Circuit – a three-judge panel, comprising of Judges Edith H. Jones, Jerry E. Smith, and Catharina Haynes, found, “DIRT made a reasonably informed and considered decision to terminate Gill based on her unprofessional behavior,” and rejected Gill’s assertion that the company preferred her co-equal colleague who is 10 years younger.

The Bell Nunnally team obtained summary judgment at the district court level by presenting documented complaints from DIRT that Gill lied to company representatives and clients, excluded key employees from contract discussions, attempted to boost her compensation by misclassifying sales, and attempted to appropriate her colleagues’ responsibilities. Gill was terminated in 2015. Her age bias suit was first greenlighted by the U.S. Equal Employment Opportunity Commission. Senior U.S. District Judge David Alan Ezra of the Western District of Texas, San Antonio Division granted summary judgment in favor of DIRT, which Gill then appealed to the Fifth Circuit.

To read the Law360 article on the case, please click [here](#).

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