

PRESS RELEASE – FOR IMMEDIATE RELEASE

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WILSON TURNER KOSMO RECEIVES COMPLETE DEFENSE VERDICT AGAINST CARNEY SHEGERIAN IN EMPLOYMENT RETALIATION CASE

[Judge fully rejects opposing counsel's claims he prevailed and is entitled to attorney's fees](#)

SAN DIEGO -- Wilson Turner Kosmo has announced that a trial team, made up of WTK Partners Claudette Wilson and Katie Pothier, and associates Jessica Chasin and Emily Fox, received a complete victory on behalf of their client, national retailer Target Corporation (TGT— NYSE).

Kirk Broten, a former executive team lead of Target claimed he was terminated in retaliation for raising complaints of harassment and discrimination in the workplace. At trial, the plaintiff was represented by prominent Los Angeles trial attorney Carney Shegerian and Christopher Hayes from San Diego.

Following an almost three-week jury trial and two days of deliberations, a state court jury in San Diego found in Target's favor and awarded no damages to the plaintiff. The WTK team successfully established that the plaintiff's employment was terminated for legitimate reasons. Broten was seeking over \$3 million in compensatory damages plus punitive damages from Target.

Following the defense verdict, Shegerian sought nearly \$1.7 million in attorneys' fees, arguing that his client had established there was a "mixed motive" for his termination under the Supreme Court's decision in *Harris v. City of Santa Monica* and, therefore, he was entitled to his fees. Superior Court Judge Joel Wohlfeil fully rejected that claim stating, "[The plaintiff] did not prevail. He did not receive an award of monetary damages or any other relief (e.g., injunctive relief). Only [a] Plaintiff who prevails on a [Fair Employment and Housing Act] FEHA based cause of action is entitled to an award of attorney fees."

On July 6 the court awarded \$66,000 in legal costs to Target. While the California Supreme Court's recent decision in *Williams v. Chino Valley Ind. Fire Dist.* (2015) 61 Cal.4th 97 provides that costs will only be awarded to defendants in FEHA cases if a plaintiff's claims are found to be frivolous, the court accepted Target's argument that costs could be awarded without a finding of frivolousness, where a reasonable California Code of Civil Procedure section 998 settlement offer had been rejected by the plaintiff.

The case is *Broten v. Target Corporation*, San Diego Superior Court Case No. 37-2013-00045142-CU-WT-CTL.

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