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**Displaced Workers Sue NUMMI, Toyota
Over Discrimination in Severance Package**

**Suit alleges that severance package discriminates against injured,
disabled workers in violation of federal and state laws**

Oakland, Calif. – July 14, 2010. Today a group of displaced Fremont NUMMI workers sued their former employer, and its parent company Toyota, alleging that the severance package offered by the auto giant discriminates against injured and disabled employees. The class action suit also claims that disabled workers were denied transitional employment services, such as career and skills assessments.

On March 15, 2010, following fierce public outcry over the planned closure of the Fremont auto plant, NUMMI and TOYOTA announced a severance package worth more than \$200 million. The package provides a base payout of \$21,175 to each worker, plus an enhancement worth thousands of dollars – but only for employees who worked between October 2009 and April 2010. The bonus enhancement increases with years of service; the average amount per worker is \$32,000. Under the severance agreement, workers who were on medical or other leave during the last six months of the plant’s operation are not entitled to the enhancement, no matter how long they had worked at the plant.

“I worked for NUMMI for twenty-five years,” said plaintiff David Botello. “But I’m not getting any credit for my years of service. I’m getting the same severance as a person with one year of seniority.” He added: “The only reason I wasn’t working between October and April was that I was injured on the job – I got hurt working for NUMMI.” It is estimated that more than 300 workers with disabilities were denied the bonus enhancement.

Said plaintiff Niysha Edward: “I tried to return to work. My doctor released me with no restrictions. But NUMMI wouldn’t let me come back. I think they were trying to keep me from

qualifying for the full severance.” Plant management reportedly described injured workers as “abusing the system.” “It appears that workers with disabilities have been denied a fair severance – whatever their years of service – based upon stereotypes about the value of these workers,” said Oakland attorney Tony Lawson, lead counsel for the workers.

Under the Americans with Disabilities Act, employers cannot discriminate against qualified workers with disabilities, and cannot use or design benefits or programs in a way that excludes persons with disabilities. The complaint alleges violations of the ADA as well as California laws that protect disabled and injured workers. The United States Equal Employment Opportunity Commission has already found that there is reasonable cause to believe that NUMMI discriminated against the plaintiffs because of their disabilities.

“There is no defense for NUMMI’s conduct,” said Claudia Center, senior staff attorney at the Legal Aid Society–Employment Law Center. “They were well aware that plaintiffs and hundreds of additional workers – many with decades of service to NUMMI – were on leave because of disability and injury. NUMMI could have offered an effective and nondiscriminatory severance package – they refused.”

To obtain any bonus, including the minimum base amount of \$21,175, each former NUMMI worker must sign a release of all claims by August 1, 2010. Many laid-off workers worry that they cannot afford to turn down the money during grim economic times.

The suit seeks monies to pay class members fair severance amounts, as well as additional remedies.

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Lawson Law Offices specializes in the representation of workers in individual and class litigation. The firm focuses on discrimination claims and lawsuits alleging wage and hour violations.

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Greg Mayeda specializes in representing employees in a wide array of employment-related disputes. Areas of practice include all types of discrimination (e.g., race, disability, age, sex, sexual harassment, sexual orientation, national origin, pregnancy, and religion); wage and hour laws (e.g., overtime); violations of privacy; violations of public policy; and negotiating and reviewing severance agreements.

IMPACT FUND

The Impact Fund
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The Impact Fund provides strategic leadership and support for litigation to achieve economic and social justice. It provides funds and training for impact litigation in the areas of civil rights, environmental justice, and poverty law. It also serves as counsel in select class action litigation. The Impact Fund is lead counsel in the historic Dukes v. Wal-Mart case, the largest employment discrimination suit in history.



The Legal Aid Society
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The Legal Aid Society-Employment Law Center, founded in 1916, protects the rights and economic self-sufficiency of low-income and disadvantaged workers and their families throughout the Bay Area, California, and the nation.