

TUESDAY, OCTOBER 11, 2022

PERSPECTIVE

## Former UC Irvine doctor gets \$17M for wrongful firing

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A doctor formerly employed at the UC Irvine Medical Center was awarded \$17 million after a jury ruled that he was wrongfully fired for blowing the whistle on patient safety violations, and as compensation for being systematically sexually harassed by his superiors.

The jury decided on Thursday in Orange County Superior Court that the doctor's disclosure of information to his superiors was a contributing factor in the university's decision to fire him. They awarded \$8.5 million in noneconomic damages and a further \$8.5 million in economic damages. *Gareth K. Forde v. Regents of the University of California*, 30-2018-01040553 (Orange County Super. Ct., filed Dec. 26, 2018).

Benjamin J. Fenton and Anne Schneider of Fenton Law Group LLP represented the plaintiff, Dr. Gareth K. Forde, who was offered a fellowship position to spe-

cialize in gynecologic oncology. While working at the Irvine facility, Forde "often brought up issues directly related to patient safety and care that should have been addressed by . . . members of the defendant's medical staff directly, via email and/or during staff meetings," wrote Fenton in the complaint.

There were complaints that inefficiencies delayed treatment and that his department had been billing the government for services rendered by trainees.

The regents of the University of California were represented by Stephen E. Ronk, Erika L. Shao, and Nichole T. Lomibao of Gordon Rees Scully Mansukani LLP. Ronk said in an email that his firm had no comment, and did not answer whether there would be an appeal.

In court documents, the University of California claimed that Forde's termination could not be considered retaliation, and had nothing to do with the safety complaints. The university, which was supposed to renew Forde's fellowship on a yearly

basis, chose not to do it independently, the defense alleged.

Forde finally took his complaints to the California Department of Fair Employment and Housing and received a right to sue letter on July 14, 2018. The case was heard in front of Orange County Superior Court Judge Glenn R. Salter.

Forde claims he faced discrimination based on his race and gender, and was retaliated against because of his complaints to his superiors.

Forde claimed that the workplace fostered a racist environment where he was specifically targeted because he is Black. As an example, the lawsuit names the defendants reporting the number of months of employment training that he completed to the fellowship academic body, which Forde said made him have to work without receiving academic pay or credit. This did not happen to any of his non-Black colleagues, he alleged.

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