

Spring was a season of victories for the DGS Labor & Employment group.

On April 5th, Janet Savage, Andy Low and Dale Harris won a major victory in the Tenth Circuit Court of Appeals. In *Heno v. Sprint/United Management Co.*, the Tenth Circuit reversed a jury verdict for the plaintiff in a race discrimination case. Janet, Andy and Dale convinced the Tenth Circuit that Sprint could not be held liable for race discrimination where the jury found that the plaintiff's manager, who promoted someone other than plaintiff, was not liable for discrimination. The Tenth Circuit also agreed that the district court erred in overruling one of Sprint's peremptory challenges to a potential juror. Making it a clean sweep, the court rejected all eight of the plaintiff's arguments on cross-appeal. Congratulations Janet, Andy and Dale!

On May 17, Brett Painter won a motion to dismiss a same-sex sexual harassment case in the U.S. District Court for the District of Colorado. The plaintiff, a salesman in a nation-wide retail candle store alleged that he had been sexually harassed by his male supervisor. Brett and Dave convinced the district court to dismiss the case because the plaintiff failed to file an EEOC charge within 300 days of the alleged sexual harassment. The court also held that there had been no equitable tolling of the 300-day limitations period as a result of any misrepresentations or misleading statements by the employer.

On May 24th, David Hammond won summary judgment on the defendant's counterclaims in a case involving a dispute over a licensing agreement in the U.S. District Court for the District of Colorado. David filed the lawsuit on behalf of a computer software company against a software developer with whom the plaintiff had a licensing agreement. The defendant asserted counterclaims for breach of contract, fraudulent nondisclosure and misrepresentation. David convinced the district court to dismiss the counterclaims on the basis that the fraud and misrepresentation claims were actually contract claims disguised as tort claims and that the counterclaims were barred by the six-year statute of limitations.