

Firm News | October 19, 2020

Troutman Pepper Helps Secure Complete Victory for Family-Owned Retirement Community

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ATLANTA – Troutman Pepper recently partnered with Tonkon Torp LLP to achieve a complete defense victory on behalf of Sunshine Retirement Living, a family-owned and operated provider of senior independent living, assisted living and memory care. The win is particularly notable because defense was awarded **more than \$65,000** attorney's fees – a rare feat for the defense in an employment law case.

"We are pleased by the court's ruling in this matter and by the vigorous representation by Tonkon Torp and Troutman Pepper. We will continue aggressively defending our Company against any frivolous and meritless claims. These types of claims cause unnecessary legal expenses that ultimately end up increasing the fees we charge to the seniors we care for," said Luis Serrano, Chief Executive Officer at Sunshine Retirement Living.

"The outcome sends a strong message that attorneys have a duty to thoroughly investigate claims – not only from the beginning but throughout a case as new facts become known," said Troutman Pepper Associate Evan Gibbs.

In 2018, the plaintiff, a former activities director with the retirement community, sued Sunshine Retirement Living following her termination with the company. She accused her former employer of gender- and age-based discrimination and FMLA retaliation. However, on December 17, 2019, the U.S. District Court for the Northern District of Georgia granted Sunshine's Motion for Summary Judgement. Then, on September 28, 2020, the court granted defense's Motion for Attorney Fees, writing:

"Given the disposition of this case in favor of the Defendant, the time expended in defending the frivolous claims, and Defendant's self-reduction of the fees sought, the Court finds that no adjustments are necessary. Accordingly, the Court concludes that Defendant is entitled to attorney fees in the amount of \$65,616.36."

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