

# 2006 Top Defense Verdicts

## Jurist's Ruling in Racial-Bias Lawsuit Vindicated Best Buy

After he was fired by electronics giant Best Buy in August 2004 for mishandling money at its Santana Row store in San Jose, Julio Gonzales sued the retail chain for racial discrimination.

In a strongly worded opinion, Santa Clara Superior Court Judge Kevin J. Murphy rejected Gonzales' claims, saying the plaintiff lacked believable evidence, lied on the stand and falsely accused Best Buy of discrimination. *Gonzales v. Best Buy*, 04CV-032602 (Santa Clara Super. Ct., filed Dec. 20, 2004).

"I think the decision is significant primarily because of the language used in the opinion," said Melinda Riechert, a partner in the employment and labor practice group at the Palo Alto office of Morgan Lewis, who represented Best Buy. "It is easy for the judge to say, 'Judgment for the defense,' and that's the end of it, but I think this judge made a special effort to capture the essence of the case and really vindicate Best Buy."

Gonzales, 24, had worked for Best Buy for about four years at the time of his termination. Store supervisors said he had allowed a cashier to go home after her shift without verifying the contents of her cash drawer, then signed off on an end-of-shift cash report, even though the drawer was \$77 short.



**Melinda Riechert**

A co-worker testified that when he confronted Gonzales about the discrepancy, the plaintiff asked him to keep the discovery quiet.

Among the witnesses Gonzales called to support his discrimination claims was the mother of his child, who lives with him and also works at Best Buy. Murphy noted that the witness, Lenore Winters, had covered up her relationship with the plaintiff so her work superiors would not find out.

Gonzales' attorney, Stanley G. Hilton of San Francisco, did not return telephone calls seeking comment.

In his ruling, Murphy admonished the plaintiff for falsely accusing Best Buy of racial bias.

"Racial discrimination is morally reprehensible and cannot be tolerated in any decent society and certainly not by the courts," he wrote. "Equally unacceptable are false accusations of racial bias motivated by financial gain."

— MAX FOLLMER

Reprinted for web use with permission from the *Los Angeles Daily Journal*. ©2007 Daily Journal Corporation. All rights reserved.  
Reprinted by Scoop ReprintSource 1-800-767-3263

**Morgan Lewis**

C O U N S E L O R S   A T   L A W