

Former Napa County Prosecutor Wins \$570 Verdict in Discrimination Suit

By [Ross Todd](#) ://therecorder/author/profile/Ross_Todd/ | UPDATED: Mar 02, 2018 at 12:32 PM

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Former Napa County Deputy District Attorney Jose Rossi and his legal team from Siegel, LeWitter & Malkani, in front of Department G, Napa Superior Court. Pictured, from left, are, Jody LeWitter, Rossi, Jonathan Siegel and Jean Krasilnikoff. (Courtesy Photo)

A Napa County jury hit the county with a verdict of more than half a million dollars this week in a case where a former county prosecutor claimed he was fired because he asked his superiors to accommodate his disabilities.

Jose Rossi spent more than 22 years as an assistant deputy district attorney in Napa County before he was fired in December 2014. Rossi sued the county in July 2015, claiming that he was discriminated against because of his age, his disabilities and his endorsement of a candidate running against then-incumbent District Attorney Gary Lieberstein.

Rossi claimed that Lieberstein and two of his managers, including current DA Allison Haley, who previously served as Lieberstein's chief deputy, began targeting him after Rossi asked for accommodations—first for voice recognition software because of his carpal tunnel syndrome and then for bathroom accommodations during his treatment for cancer.

In a 9-3 decision **handed down Tuesday** (http://napavalleyregister.com/news/local/former-napa-county-deputy-da-awarded-thousands-in-disability-discrimination/article_23ce2776-6175-58ed-9fae-8bfa7a22cf5f.html), a Napa County jury found the county had discriminated against Rossi because of his disabilities and that he was fired for insisting on workplace accommodations—protected activity under California's Fair Employment and Housing Act. Jurors awarded Rossi \$470,081 for past economic losses and \$100,000 for future losses.

Ross's lawyer, Jody LeWitter of Siegel, LeWitter & Malkani in Oakland, said that verdict sends a message that everyone—even local prosecutors—can be held liable when they fail to provide reasonable accommodations to sick or injured workers.

Her client, LeWitter said, "had health-wise a difficult year and there were many ways to show a little sympathy and kindness—and they didn't."

Napa County spokeswoman Kristi Jourdan said the county was aware of the verdict and disagreed with it. "There are post-trial motions being considered that preclude us from talking further about this case," she said in an emailed statement.

The county was represented at trial by outside counsel from Jones & Dyer in Sacramento. Name partner Gregory Dyer didn't immediately respond to a voicemail message Thursday.

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Ross Todd

Ross Todd is bureau chief of The Recorder in San Francisco. He writes about litigation in the Bay



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