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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

NJ Jury Says Drug Co. Owes Ex-Worker $1M Over Accent Bias

By **Patrick Hoff**

Law360 (March 5, 2024, 7:15 PM EST) -- A New Jersey state jury said a pharmaceutical technology company should pay $1 million to a Romanian former employee over allegations that she was ridiculed by her supervisor and demoted because she spoke with an accent.

Following five weeks of trial, a seven-member jury found Monday that Luciana Ienciu provided enough evidence to show LTS Lohmann Therapy Systems Corp. discriminated against her because of her national origin and created a hostile work environment in violation of the New Jersey Law Against Discrimination. The jurors said LTS should provide Ienciu with $500,000 of back pay and $500,000 in compensatory damages for pain, suffering and emotional distress.

LTS, located in West Caldwell, New Jersey, is a subsidiary of the German company LTS Lohmann Therapie-Systeme AG, which develops and manufactures drug delivery systems. The company also has a facility in St. Paul, Minnesota, that it acquired in 2022, according to the LTS website.

Ienciu, who has worked in the pharmaceutical industry for over two decades, filed suit against LTS in Essex County Superior Court in November 2017. According to her complaint, Ienciu consistently received high marks from LTS on her performance as a DEA/regulatory affairs supervisor and guided the company successfully through several U.S. Drug Enforcement Administration audits without issue.

In December 2015, LTS hired a new vice president of quality and regulatory affairs, but Ienciu said the incoming executive had no experience with regulatory affairs or DEA compliance. Ienciu said the vice president immediately began treating her differently because of her accent, including by subjecting her to evaluations of her speech and accusing her of lacking the proper vocabulary and expertise.

The executive also reorganized the department without reason, according to the complaint, which caused Ienciu to lose her supervisory title and see her pay cut by 10%. At the end of 2016, the executive gave Ienciu a poor evaluation, criticizing her communication skills and strategic planning abilities while praising many other aspects of her performance.

In July 2017, LTS fired Ienciu for failing to properly complete a form detailing the chain of custody for samples of controlled substances. However, Ienciu said in her complaint that she had documented the pertinent information on sticky notes when she couldn't find the proper forms, something other employees had done in the past without facing punishment.

Representatives of the parties did not immediately respond to requests for comment Tuesday.

Ienciu is represented by Kevin Barber, Kenneth Zaremba and Patrick Lucignani of Barber Law LLC.

LTS Lohmann Therapy Systems Corp. is represented by Thomas J. Rattay and Robert M. Pettigrew of Ogletree Deakins Nash Smoak & Stewart PC.

The case is Luciana Ienciu v. LTS Lohmann Therapy Systems, case number ESX-L-008182-17, in the Superior Court of the State of New Jersey.

--Editing by Nick Petruncio.

Luciana Ienciu,

Plaintiff,

-against-

LTS Lohmann Therapy Systems Corp.,

Defendant.

SUPERIOR COURT OF NEW JERSEY
ESSEX COUNTY
LAW DIVISION

CIVIL ACTION

DOCKET NO.: ESX-L-8182-17

JURY VERDICT SHEET

1. Do you find that the Plaintiff Luciana Ienciu has proved by a preponderance of the evidence that the Defendant LTS Lohmann Therapy Systems Corp. engaged in intentional discrimination in violation of the Law Against Discrimination by terminating the Plaintiff's employment because of the Plaintiff's Romanian national origin?

Yes ✓ No _____ Vote 7 - 0

Proceed to Question No. 2.

2. Do you find that the Plaintiff Luciana Ienciu has proved, by a preponderance of the evidence that Sepandad Naraghi subjected the Plaintiff to a hostile work environment as defined by the Court in violation of the Law Against Discrimination on the basis of the Plaintiff's Romanian national origin?

Yes ✓ No _____ Vote 6 - 1

If your answer to Question No. 2 is "Yes", proceed to Question No. 3. If your answer to Question No. 2 is "No", and you answer to Question No. 1 is "Yes", proceed to Question No. 4. If your answer to Question No. 2 is "No" and your answer to Question No. 1 is "No", cease your deliberations and inform the Court Officer that you have reached a verdict.

3. Do you find that the Plaintiff Luciana Ienciu has proved by a preponderance of the evidence that the Defendant LTS Lohmann Therapy Systems Corp. is responsible for the hostile work environment to which the Plaintiff was subjected?

Yes ✓ No _____ Vote 6-1

If your answer to Question No. 3 is "Yes" and your answer to Question No. 1 is "Yes", proceed to Question No. 4. If your answer to Question No. 3 is "No", but your answer to Question No. 1 is "Yes", also proceed to Question No. 4. If your answer to Question No. 3 is "Yes", but your answer to Question No. 1 is "No", proceed to Question No. 8. If your answer to Question No. 3 is "No", and your answer to Question No. 1 is "No", cease your deliberations and inform the Court Officer that you have reached a verdict.

4. Do you find that the Plaintiff Luciana Ienciu has proved by a preponderance of the evidence that she suffered loss of past income or "back pay" as a result of a violation by the Defendant LTS Lohmann Therapy Systems Corp. of the Law Against Discrimination.

Yes ✓ No _____ Vote 7-0

If your answer to Question No. 4 is "Yes", proceed to question No. 5. If your answer to Question No. 4 is "No", proceed to Question No. 6.

5. What is the amount you have determined will fairly and reasonably compensate the Plaintiff Luciana Ienciu for her loss of past earnings or "back pay"?

Amount $ 500,000.00 Vote 7-0

Proceed to question No. 6.

6. Do you find that the Plaintiff Luciana Ienciu has proved by a preponderance of the evidence that she will suffer loss of future income or "front pay" as a result of a violation by the Defendant LTS Lohmann Therapy Systems Corp. of the Law Against Discrimination.

Yes _____ No ✓ Vote 1-6

If your answer to Question No. 6 is "Yes", proceed to question No. 7. If your answer to Question No. 6 is "No", proceed to Question No. 8.

7. What is the amount you have determined will fairly and reasonably compensate the Plaintiff Luciana Ienciu for her loss of future earnings or "front pay"?

Amount $ _____ Vote _____

Proceed to Question No. 8.

8. Do you find that the Plaintiff Luciana Ienciu has proved by a preponderance of the evidence that she has suffered emotional distress injury as a proximate result of a violation by the Defendant LTS of the Law Against Discrimination.

Yes ✓ No _____ Vote 7-0

If your answer to Question No. 8 is "Yes", proceed to Question No. 9. If your answer to Question No. 8 is "No", cease your deliberations and inform the Court Officer that you have reached a verdict.

9. What is the amount you have determined will fairly and reasonably compensate the Plaintiff Luciana Ienciu for her emotional distress injury and any resulting pain, suffering, impairment and loss of enjoyment of life?

Amount $ 500,000^{00} Vote 7-0

Cease your deliberations and inform the Court Officer that you have reached a verdict.

Dated: 03/04/2024

Tahmidun Nabi
Jury Foreperson