

## Mediation On Tap For Firm In Atty's Pregnancy Firing Suit

By **Bill Wichert**

Law360 (May 13, 2022, 2:12 PM EDT) -- Mason Griffin & Pierson PC, its managing director and a former firm attorney are headed to mediation in an attempt to resolve the lawyer's claims that she was fired because she was pregnant, according to a New Jersey state court order made available on Friday.

About four months after ex-Mason Griffin associate Jeanne-Marie Scollo launched her state Law Against Discrimination complaint against the Princeton, New Jersey-based firm and managing director Shawn M. Neufeld, they were directed on Thursday to "participate in mediation in good faith and with a sense of urgency," according to the **mediation referral order**.

"Failure to do so may result in an assessment of costs or other consequences," the order states.

Paula M. Dillon of Goldman Davis Krumholz & Dillon PC has been tapped as the mediator in the case, unless the parties select someone else within two weeks, according to the order.

Scollo's attorney, Ty Hyderally of Hyderally & Associates PC, told Law360 on Friday that the mediation referral in the suit is "part of the court's early mediation system sending certain types of cases to mediation early in the litigation process."

"As this is an employment matter, it is subject to the program. Personally, for most cases, I have found the early mediation system to be productive and helpful in resolving cases before the parties get mired in the litigation and incur significant legal fees," Hyderally said. "Even if the matters do not resolve during the initial session, sometimes the issues are narrowed and gaps are closed which leads to subsequent settlements."

George Karousatos of Biancamano & Di Stefano PC, representing Mason Griffin and Neufeld, told Law360 on Friday, "In accordance with the courts mandatory mediation program, the court issued an order requiring all parties to participate in mediation. Mason, Griffin & Pierson, PC and Shawn Neufeld, Esq. continue to dispute the validity of Ms. Scollo's allegations."

The pending mediation comes after the parties offered sharply different accounts of whether the firm and Neufeld were aware of Scollo's pregnancy at the time of her termination. Scollo's complaint alleges that they knew she was pregnant, but the firm and Neufeld contended in their answer that they did not.

Scollo, who joined Mason Griffin in February 2020, claimed that after she told Neufeld on May 3, 2021, that she was pregnant, his reaction was "notably lukewarm," according to the Jan. 11 complaint.

When firm director Edwin W. Schmierer, who was her direct supervisor, learned that she was pregnant, "he embarrassed and humiliated Scollo by asking if she was reconciling with her spouse since she was pregnant, despite being separated from her husband," the complaint said.

Neufeld and Schmierer did not congratulate Scollo on her pregnancy nor discuss maternity leave with her, according to the complaint.

A week after she revealed her pregnancy, Neufeld sent Scollo an email that was largely critical of a commercial lease that she had drafted, the complaint said. Neufeld revised the document and added "language that he had not made available to Scollo while she was working on the matter," according to the complaint.

On May 28, 2021, Neufeld called Scollo into his office — "supposedly to discuss a potential estate matter that Scollo had brought to the firm" — but when she sat down, Neufeld told her that she was fired and then created "pretextual and fabricated reasons" for the termination, the complaint said.

"Prior to notifying defendants of her pregnancy, Neufeld had never criticized Scollo for the handling of any matters," the complaint states. "Prior to notifying defendants of her pregnancy, no employee of defendants had ever criticized Scollo for the handling of any matters."

Neufeld gave Scollo a severance agreement that involved Scollo "continuing to work for MGP by making court appearances and preparing witnesses for deposition," the complaint said, which adds that her position was later filled by an attorney who was not pregnant.

In their Jan. 27 answer, however, Mason Griffin and Neufeld denied the pregnancy discrimination allegations and claimed that they did not know Scollo was pregnant when they fired her.

Among their defenses, the firm and Neufeld said Scollo's "pregnancy was not known to defendants at the time that defendants made the employment decisions for which the plaintiff complains in this litigation, including the decision to terminate the plaintiff."

"Therefore, plaintiff's pregnancy was not a factor and did not play any role in the actions taken by defendants for which plaintiff complains in this litigation, including plaintiff's termination," they said. "Rather, the employment decisions for which plaintiff complains, including plaintiff's termination, were based on legitimate nondiscriminatory business reasons of plaintiff's employer."

Scollo is represented by Ty Hyderally of Hyderally & Associates PC.

Mason Griffin and Neufeld are represented by George Karousatos of Biancamano & Di Stefano PC.

The case is Jeanne-Marie Scollo v. Mason Griffin & Pierson PC et al., case number L-171-22, in the Superior Court of New Jersey, County of Middlesex.

--Editing by Steven Edelstone.

*Update: This article has been updated with comment from an attorney representing Mason Griffin and Neufeld.*