

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LESLIE CHARLES MINNICH,	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	No. 99-CV-5915
	:	
GENLYTE THOMAS GROUP LLC	:	
as successor-in-interest to	:	
THE GENLYTE GROUP,	:	
INCORPORATED,	:	
Defendant.	:	

MEMORANDUM

GREEN, S.J.

May , 2001

Presently before the court is Defendant’s Motion to Bifurcate the Trial of Liability and Damages and Plaintiff’s Response. For the reasons set forth below, Defendant’s motion will be granted.

I. FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff, Leslie Charles Minnich, was born on May 1, 1942 and is currently 59 years of age. (See Compl. ¶ 12.) On July 7, 1987, Plaintiff was hired as Director of Manufacturing for the Hadco Division of Defendant Genlyte Thomas Group LLC. (Compl. ¶ 13; Pl.’s Dep. at 22:8.) Shortly thereafter, Plaintiff was promoted to Director of Operations. (See Compl. ¶ 13; Answer ¶ 13.) While employed, Plaintiff’s performance was considered acceptable or above average. (See Musselman’s Dep. at 42:20-46:3.) On January 7, 1997, Dennis Musselman (“Musselman”), General Manager of Hadco Division, informed Plaintiff that his employment was terminated. (See Musselman’s Dep. at 85:7.) Musselman told Plaintiff that his job was “eliminated” as part of a restructuring of the company’s manufacturing division. (See

Musselman's Dep. at 85:13.) In August of 1997, the Director of Operations position was recreated and assigned to Michael Anthony Moyer, a 36 year old employee of the Hadco Division. (See Musselman's Dep. at 169:5-169:16; 176:14.)

On or about November 24, 1999, Plaintiff filed the instant Complaint against Defendants, "Hadco Corporation and Genlyte Thomas Group LLC," alleging age discrimination under the Age Discrimination in Employment Act, as amended, 29 U.S.C. § 621 et seq. ("ADEA"). Pursuant to Fed.R.Civ.P. 4(m), this court dismissed the Complaint against Hadco Corporation, leaving Genlyte Thomas Group, LLC as the remaining Defendant. (See Order, February 14, 2001.) Defendant now moves to bifurcate the trial on the issues of liability and damages. Plaintiff opposes the motion.

II. DISCUSSION

Fed. R. Civ. P. 42(b) provides:

The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy may order a separate trial of any claim . . . or of any separate issue
. . . .

The decision of whether to bifurcate a trial is made on a case by case basis and is within the informed discretion of the trial judge. See Lis v. Robert Packer Hospital, 579 F.2d 819, 824 (3d Cir.), cert. denied, 439 U.S. 955 (1978); Idzajt v. Pennsylvania R.R. Co., 456 F.2d 1228, 1230 (3d Cir. 1972). Bifurcation, however, is "not to be routinely ordered." Lis, 579 F.2d at 824.

The party seeking bifurcation has the burden of showing that bifurcation is proper. See Corrigan v. Methodist Hosp., 160 F.R.D. 55, 57 (E.D. Pa. 1995); Lowe v. Philadelphia Newspapers, Inc., 594 F. Supp. 123, 125 (E.D. Pa. 1984).

In the present matter, Defendant moves to bifurcate the issues of liability and damages for trial on grounds that (1) the liability and damages phases of this matter involve separate, distinct and independent issues of fact; and (2) the damages issues are complex and confusing. Defendant argues that Plaintiff has retained the services of an expert economist, Dr. Robert Wolf (“Dr. Wolf”), who will most likely be called to testify about the nature and extent of Plaintiff’s economic injuries.¹ (See Def.’s Ex. A.) Defendant contends such testimony is irrelevant to the issue of liability and would prejudice Defendant if it is heard in conjunction with the liability issues.

Plaintiff opposes Defendant’s motion on the ground that bifurcating liability and damages in the present matter does not promote judicial economy in that it would result in duplicative testimony and delay the resolution of this matter. Plaintiff rejects Defendant’s argument that testimony related to damages is irrelevant to the question of liability. Specifically, Plaintiff argues that the existence of his liquidated damages claim pursuant to the ADEA makes it likely that several witnesses would be called twice—(1) to determine whether Defendant’s conduct violated the ADEA; and (2) to determine whether Defendant’s conduct was “willful.”²

¹Dr. Wolf’s report, dated April 18, 2001, indicates that Plaintiff claims “total historical and future losses of \$1,719,304.” (See Def.’s Ex. A.)

²“When confronted with a violation of the ADEA, a district court is authorized to afford relief by means of reinstatement, backpay, injunctive relief, declaratory judgment and attorney’s fees.” McKennon v. Nashville Banner Pub. Co., 513 U.S. 352, 357 (1995). However, if the alleged offender’s conduct is “willful,” the district court may also award liquidated damages equal to the backpay award. See id. at 357 (citing 29 U.S.C. 626(b)). A violation of the ADEA is “willful” if the employer either knew or showed reckless disregard that its conduct was prohibited by the ADEA. See Trans World Airlines, Inc. v. Thurston, 469 U.S. 111, 128-129 (1985). Liquidated damages under the ADEA are intended to be punitive in nature. See Thurston, 469 U.S. at 125.

Upon reviewing Defendant's motion and the response thereto, I find that Defendant has met its burden of showing that bifurcation is warranted in this matter. Specifically, Defendant demonstrated that bifurcation promotes judicial economy. Defendant showed that the issues and testimony relating to liability are independent of damages in that the liability phase is limited to determining whether Defendant's conduct violated the ADEA including whether Defendant's conduct was "willful," and the damages phase is limited to assessing Plaintiff's economic injuries.³ Thus, bifurcating liability and damages, under the terms outlined herein, does not lead to duplicative testimony, but, rather, promotes judicial economy.⁴ For the foregoing reasons, Defendant's Motion to Bifurcate the Trial of Liability and Damages will be granted.

An appropriate Order follows.

³Contrary to Plaintiff's contention, evidence that Defendant's conduct was a "willful" violation of the ADEA should be presented during the liability, not the damages, phase.

⁴While is it not presently apparent that any witnesses will be seriously inconvenienced by bifurcating the trial, Plaintiff may make an appropriate application, if necessary, for ordering the appearances of witnesses at a later date.

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as successor-in-interest to	:	
THE GENLYTE GROUP,	:	
INCORPORATED,	:	
Defendant.	:	

ORDER

AND NOW, this day of May, 2001, upon consideration of
Defendant's Motion to Bifurcate Trial of Liability and Damages, **IT IS HEREBY ORDERED**
that Defendant's motion is **GRANTED**.

BY THE COURT:

CLIFFORD SCOTT GREEN, S.J.