

## #MeToo Hits the Mortgage Industry: Summit Funding Loses Age Discrimination Case, According to Gray & Associates, P.C.

SACRAMENTO, Calif., Aug. 9, 2018 /PRNewswire/ -- National mortgage banking firm Summit Funding, Inc. based in Sacramento CA lost a \$1.6 million binding arbitration for age discrimination and constructive discharge on July 5th. The case is now in Superior Court to confirm the Award and convert it to a judgment against Summit.

A former Senior Vice President of the National Builder Division was awarded compensatory and punitive damages, plus attorneys' fees and costs, by the Hon. John Flaherty (Ret.) based on consistent outrageous discriminatory comments made by Summit profit participant and CORE coach Rick Ruby.

Seven former employees were called to substantiate the claims and all of that testimony was found persuasive. Ruby's comments were heard by employees and management, live, on video, and on conference calls. According to the Award, Ruby said things like he had "no use" for older workers, "dinosaurs" and "Humpty Dumpty's." Ruby encouraged Summit to hire "young and sexy" and said that older workers should get out of the mortgage business and lacked "fire in their bellies." Summit's defense was rejected as "pretextual" and the Judge specifically ruled that Ruby's discriminatory conduct was "enabled and condoned" by Summit President Todd Scrima.

In addition to having to endure discriminatory comments, Judge Flaherty agreed that the Former Senior VP proved that she was forced out of the company based on her age. The employee received effusive praise, raises, and bonuses throughout her employment.

"Discrimination of any type in the workplace should never be tolerated," said attorney Nancy Gray of Gray & Associates, P.C., who represented the employee. "The wholesale disregard of the law, professional ethics and decency demanded swift action and we hope the judgment against Summit will deter them and others from committing similar conduct."

Judge Flaherty determined that Summit acted with malice, fraud and oppression, resulting in an award of punitive damages against Summit.

The case is Von Hoffmann vs. Summit Funding, Inc., Sacramento Superior Court Case Number 34-2018-00237321.

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Gray & Associates has a distinguished track record of assisting clients with complex California employment matters. We are closely following the landscape surrounding arbitration clauses and class action waivers. If you have questions about how the Epic Systems case affects your business's employment agreements, call today at (310) 452-1211 to learn how we can be of help.

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### Meet Nancy Gray

In a diverse legal career that has spanned over three decades, attorney Nancy Gray has represented hundreds of clients in a variety of civil matters, including labor and employment (management/employee); sexual harassment, discrimination, wrongful termination; commercial, contract and business issues.

Among other highlights, Ms. Gray served as Assistant District Attorney in New York, spent seven years with a national law firm working on complex pharmaceutical and medical device cases, and successfully litigated and coordinated cases around the country. She has a unique expertise in matters pertaining to the adulteration of extra virgin olive oil.

Ms. Gray has also lectured and written on a variety of topics, including expert testimony, drug and medical device regulation, sexual harassment, employment practices and child performer issues.

In 1997, she started her own firm, based in Los Angeles.

Having been raised in New York City, Nancy enjoys dramatic, musical and comedy theater as well as pro sports. She is a PADI-certified scuba diver. Among her favorite reading material is Bon Appetit and anything pertaining to criminal behavior and behavioral profiling. [Learn more.](#)



### About Gray & Associates, P.C.

Attorney Nancy Gray of Gray & Associates, P.C. has more than 30 years of experience providing personalized attention and creative solutions to her clients' legal issues. Whether you need a strong litigator, a labor and employment advocate, or a savvy business law attorney, you can rely on Gray & Associates to provide you with excellent legal representation. Click [here](#) to read more.

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