

Mike Gorman wins summary judgment in Missouri State Court wrongful termination case

In January 2010, [Mike Gorman](#) won summary judgment in favor of the defendants in a wrongful termination (whistleblower) lawsuit filed in Missouri state court.

Plaintiff was hired to start and run a new business operation for a closely held company, in a business where he claimed vast experience. After plaintiff failed to attract a single paying customer, the company terminated him. After termination, plaintiff sued for wrongful termination under the public policy exception to Missouri's employment at will doctrine. Plaintiff claimed that while employed, he reported illegal activities to the principals of the company (who plaintiff said carried out the the illegal activities), and that he was fired for that reason. He also claimed to have reported the alleged illegal activity to the government, after termination. Defendants denied that plaintiff reported any illegal activity to them, and denied that any illegal acts occurred.

Plaintiff's deposition testimony mirrored his petition regarding his claimed reports of illegal activity. Defendants' summary judgment motion argued that under Missouri law, plaintiff's reports to the alleged wrongdoers while employed, and his alleged reports to the government post termination, did not qualify him as a whistleblower. This is because such reports did not serve to deter or stop the claimed illegal activity. Plaintiff argued for an extension of Missouri law, saying that plaintiff had no one else to whom he could report. Defendants responded that plaintiff could have reported to the government pre termination, but did not. Jack Dunbar assisted Mike Gorman with the research for the summary judgment motion. The summary judgment undisputed facts consisted solely of plaintiff's admissions at deposition.

After the argument on the summary judgment motion, defendants filed a proposed judgment with the court, which included detailed findings of fact and conclusions of law. Plaintiff countered with a motion for leave to amend his petition, and a motion for a continuance. After argument, the court denied both of plaintiff's motions (the case had been on file since 2007).

A few days later, the court entered summary judgment in favor of the defendants, finding that even if plaintiff's allegations were true, he did not qualify as a whistleblower under Missouri law.