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Ex-Pa. Turnpike Worker Wins \$3.2M In Whistleblower Suit

By **Matt Fair**

Law360, Philadelphia (October 7, 2016, 3:50 PM EDT) -- A former Pennsylvania Turnpike Commission worker was awarded \$3.2 million in damages on Thursday after a state judge agreed that he had been fired from his job for trying to blow the whistle on corrupt bidding practices at the agency.

The damages awarded to Ralph Bailets, a former financial and systems manager for the commission, come after a Commonwealth Court judge's decision in June crediting his claims that he was terminated after repeatedly raising questions about whether a contractor had been given an unfair advantage in bidding on work.

Judge Rochelle Friedman agreed to award both economic and noneconomic damages to Bailets after he presented testimony about his continuing inability to find a job with similar pay, and the humiliation and emotional distress he'd suffered as a result of his termination.

"Without compensation for harm to his reputation, humiliation and mental anguish, Bailets would be in a far worse position for having reported the wrongdoing," the opinion said. "In fact, because of all that he has endured since the commission's termination of his employment, Bailets has questioned whether he should have reported the waste and wrongdoing and whether it was worth putting himself and his family through the loss of his job."

Bailets worked for the commission for 10 years before being terminated in November 2008 alongside 14 co-workers in a personnel move that was justified on budgetary grounds.

He filed suit in May 2009, however, claiming that he had been fired after questioning business dealings between the commission and vendor Ciber Inc.

His suit claimed that Ciber had been given a competitive edge in the bidding process for a 2005 contract by being granted unlimited access to bid documents. When he alerted a superior about the issue, Bailets alleged that he was told "not to make any waves" or his job would be in jeopardy.

Bailets claimed that Ciber, which was ultimately awarded the contract, failed to adequately perform its duties in what he believed was an attempt to run out the contract and be awarded a new deal to complete the work it had left unfinished.

Jason Pearlman, an attorney with Sprague & Sprague representing Bailets, praised the verdict in a statement on Friday.

"This very important decision by the court affirms the protections afforded to public employees who report waste and wrongdoing in the Commonwealth of Pennsylvania," he said. "We are very pleased for Ralph Bailets and his family."

Judge Friedman initially dismissed the complaint in February 2014 after finding that the economic conditions faced by the commission at the time provided an adequate pretext for his termination

The Supreme Court, however, **revived his case in September 2015** after crediting evidence that two other turnpike officials had warned him that his job would be at risk for sharing his observations about the Ciber contract.

The Supreme Court also acknowledged evidence that Bailets did make reports of the company's wrongdoing, and it also raised questions about the commission's claims of financial difficulties given rising revenues, employee raises and new hiring that were observed at the time.

A spokesman for the commission declined to comment on Friday.

Bailets is represented by Thomas Sprague, Jason Pearlman and William Trask of Sprague & Sprague.

The commission is represented by Chief Counsel Doreen McCall, and by Douglas Rosenblum and Divya Wallace of Pietragallo Gordon Alfano Bosick & Raspanti LLP.

The case is Ralph Bailets v. Pennsylvania Turnpike Commission et al., case number 265 MD 2009, in the Pennsylvania Commonwealth Court.

--Editing by Stephen Berg.

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