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# Jury awards \$867,000 to doctor who sued Raleigh clinic for discrimination

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A Wake County jury has awarded a nearly \$1 million judgment to a Raleigh doctor who accused a local obstetrics and gynecology clinic of discrimination after he was allegedly fired because of his Parkinson's disease.

Following a three-week trial, the jury determined that the Raleigh OB/Gyn Centre's decision to terminate [Eric Rappaport's](#) employment was substantially driven by his Parkinson's diagnosis.

The jury said Rappaport was entitled to receive \$467,603 in monetary damages and \$404,000 in punitive damages.

The jury also determined that the clinic's management retaliated against Rappaport after he filed a complaint with the U.S. Equal Employment Opportunity Commission in 2013, which entitled him to additional damages and legal fees. That amount has not yet been determined.

## Rappaport's diagnosis

Rappaport, who has practiced OB/Gyn medicine for the past 25 years, was diagnosed with Parkinson's disease in 2007. The following year, he agreed to withdraw from hospital practice, but he continued to see patients in the office. At trial, experts for Rappaport testified that his symptoms were relatively mild and, with proper medication, did not interfere with him continuing to practice gynecology. At one point, Rappaport demonstrated his abilities to the jury on a simulator.

"The experts all testified and the jury agreed that Dr. Rappaport was safe and that his Parkinson's did not affect his ability to practice," says [Robert Zaytoun](#), who represented Rappaport at trial.

But according to Rappaport's complaint, the clinic's managers allegedly began trying to force him out of the practice in 2010 by limiting his access to new patients.

In 2011, the North Carolina Medical Board received an anonymous complaint regarding Rappaport. The board investigated the matter but ultimately determined Rappaport did not pose a danger to his patients.

Then in June 2013, Rappaport filed the EEOC complaint, alleging the clinic's managers were discriminating against him because of his disability. Shortly after the EEOC complaint was filed, the other doctors in the practice allegedly met with the clinic's staff. From that meeting, a memorandum was drafted, which allegedly said the staff members had concerns about Rappaport's ability to practice medicine. Zaytoun alleges the notes from that meeting were destroyed.

In August 2013, the clinic allegedly suspended Rappaport, pending the outcome of a fitness of duty evaluation.

Rappaport sued the clinic in Wake County Superior Court on Jan. 31, 2014, alleging wrongful discharge, failure to pay wages, intentional infliction of emotional distress and tortious interference with a contract. Raleigh OB/GYN has denied those allegations throughout the litigation.

But on Aug. 26, the jury sided with Rappaport.

### **Potential appeal**

Since leaving Raleigh OB/Gyn, Rappaport has continued to see patients on a volunteer basis at the Open Door Clinic in Raleigh.

"Discrimination in the workplace on the basis of age, sex or race is not an uncommon thing to hear about. But you don't hear about disability discrimination, which is nonetheless a violation of rights under North Carolina law," says Zaytoun. "Dr. Rappaport hopes that his case will help others who may have a disability but who are still able to work safely and effectively."

William Foster, a partner in Nelson Mullins' Greenville, South Carolina office, who represents Raleigh OB/Gyn says his clients intend to appeal the decision the jury's decision.

"Although we have the utmost respect for the jury and the system, we are obviously disappointed in the result," Foster says. "As the matter is still in litigation, I cannot comment further. However, I can confirm that Raleigh OB is exploring all available avenues for appeal."

Last month, [Raleigh OB/Gyn sued its insurance company, alleging Darwin National Assurance Co. has failed to provide a legal defense in the Rappaport case.](#) That lawsuit remains open.

Jeff covers transportation, energy, politics and business court. Follow him on Twitter @TriBizJeff.