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Firm Attorneys Win Family Medical Leave Act Dismissal on Behalf of Yelp

Firm attorneys Stephanie Scharf and Suzanne Alexander win motion to dismiss, with prejudice, for Yelp. In this Family Medical Leave Act case, an employee took FMLA leave for alleged back pain and then promptly went on a trip to Thailand – which seemed inconsistent with her medical leave. After the employee’s coworkers told the company about the trip, she sent text messages to a fellow employee suggesting she would like to physically attack the people who had alerted the company. The company fired her for misusing FMLA leave and for violation of its workplace violence policy.

The Court granted the Firm’s motion to dismiss with prejudice, finding the facts established that Yelp believed in good faith that the employee had been dishonest with respect to her FMLA leave and that her text messages violated the company’s workplace safety policies. The case could have been bogged down in factual disputes, but the [attached opinion](#) reflects the excellent arguments made by the Scharf Banks Marmor attorneys, which resulted in the dismissal with prejudice.