



And The Defense Wins

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The plaintiff, Skip Drish, sued Commonwealth Edison for “whistle-blower” retaliatory discharge in the Circuit Court of Cook County. Plaintiff sought both compensatory and punitive damages in the amount of \$2,600,000. The plaintiff was represented by Douglas Brown and Miles Dore and Commonwealth Edison was represented by DRI members [John W. Bell](#) and [Robert R. McNamara](#) of **Johnson & Bell, Ltd.** and [Kent Sezer](#) of **Neal & Leroy** in Chicago. A trial was held between January 12 and January 27, 2010, which resulted in a verdict in favor of Commonwealth Edison and against Skip Drish.

Mr. Drish was employed at a unit of Commonwealth Edison called IES that provided backup generators and related services to commercial customers. The business involved the use of outside contractors to do the actual installation work. There were allegations made against Mr. Drish that he was pushing his employees to use an outside contractor who ran a company that was later discovered to be owned by Mr. Drish’s brother. Mr. Drish subsequently alleged that an IES engineer was being bribed in return for sending business to another outside contractor. The allegations were investigated and found to be without merit, however, a donation was made by the contractor in the name of the IES employee to a charity chosen by the employee. At the close of 2002, the IES business was struggling and a corporate decision was made to lay off a manager and engineer. Mr. Drish was the lowest performing manager and was laid off, which he claimed was in retaliation for his good faith report of bribery.

After suit was filed by Mr. Drish, it was discovered that he had misrepresented his employment background when he applied to Commonwealth Edison. He claimed to have been a vice president of a large electrical contracting firm when, in fact, he had operated 16 companies between 1984 and 2000 that had either failed or been dissolved in bankruptcy. This evidence was presented to the jury to establish an affirmative defense that had Commonwealth Edison known the material misrepresentations, it never would have hired him. The jury deliberated for four hours before returning a verdict in favor of Commonwealth Edison and against Skip Drish.

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