

## ROGERS & HARDIN OBTAINS SIGNIFICANT APPELLATE VICTORY IN AGE DISCRIMINATION CASE

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On Monday, November 30, the U.S. Court of Appeals for the Eleventh Circuit ruled that older job applicants can sue under the Age Discrimination in Employment Act (ADEA) when facially neutral hiring practices have had a disparate impact on them. In what has been described as a [landmark decision](#), the Eleventh Circuit rejected the trial court's ruling that the ADEA only allows job applicants to bring "disparate treatment" claims, which require proof of intentional discrimination. The Eleventh Circuit also held that the plaintiff had properly alleged a claim for equitable tolling of the statute of limitations because he did not know, and could not have known, that he had been discriminated against until shortly before he filed his charge of discrimination. The case is *Villarreal v. R.J. Reynolds Tobacco Co. et al.*, case number 15-10602, in the Eleventh Circuit.

Rogers & Hardin partner John J. Almond and associate Michael L. Eber wrote the successful appellate brief along with co-counsel from Altshuler Berzon LLP in San Francisco. News stories regarding the decision can be accessed [here](#) and [here](#).