# Summary Judgment for IBP, Inc. Affirmed by Tenth Circuit Court of Appeals

May 27, 2008

Lathrop Gage obtained affirmation of summary judgment today on behalf of firm client IBP, Inc., in a claim of workers' compensation retaliatory discharge under Kansas law. *Rojo v. IPP, Inc., No. 07-3089 (D.C.No.02-CV-4112-JAR) D.Kan.*

The U.S. Court of Appeals, Tenth Circuit affirmed in its ruling that the Kansas district court's summary judgment was valid. In that earlier decision, the lower court held that plaintiff Alma Rose Rojo's claim was not a legitimate one, and that the Lathrop Gage legal team had successfully evinced that her claims failed to illustrate that IBP's reasons for termination of employment were a pretext for retaliation. Ms. Rojo had filed her workers' compensation claim under the Kansas Workers' Compensation Act after she injured her thumb at work in 2000.

The successful legal team was led by attorneys Tammy Somogye (Labor & Employment - Overland Park) and Robert McKinley (Labor & Employment - Kansas City). Mr. McKinley has also defended employers and insurers in a wide variety of individual and class action employment matters, including agent and manager terminations, wrongful discharge, discrimination, harassment, covenants not to compete, drug testing, benefit cases, practice before the EEOC, NLRB, Department of Labor and State Human Rights Agencies, collective bargaining and preventive law. He has litigated in both Federal and State courts throughout the United States. Opposing counsel in this matter was David O. Alegria of McCullough, Wareheim & LaBunker, P.A., Topeka, Kansas.

**About Lathrop Gage:**
A leading Midwest full-service law firm, Lathrop Gage L.C. has approximately 300 attorneys in 10 offices nationwide - from Denver, Colo. to New York, New York. In 2007, *Chambers USA* ranked Lathrop Gage's corporate, environmental, intellectual property, litigation, real estate and labor and employment teams among the best in the Midwest. For more information, visit www.lathropgage.com.