

Attorney Sued For 'Quiet Quitting' Her Law Firm Job Now Seeks Sanctions

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Courts

The "quiet quitting"/discrimination litigation is heating up.

By Kathryn Rubino

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The messy legal back-and-forth between the law firm Napoli Shkolnik and their former employee, Heather Palmore, began two weeks ago when they sued Palmore in New York state court alleging she “quiet quit” her job and was surreptitiously working two jobs remotely (at Napoli Shkolnik and her own firm). The firm’s complaint also alleged Palmore attempted “to extort money from the firm by making false and defamatory claims of discrimination directed to ‘others’ without any factual basis.” Then Palmore fired back, filing a federal complaint fleshing out those allegations of racial and disability discrimination and alleging the firm’s lawsuit was retaliatory and designed to preempt the discrimination lawsuit.

Now, in advance of a motion to dismiss — which the current filing promises is coming — Palmore has filed a motion to quash the non-party subpoenas already served in the action and/or issue a protective order in the state action. Oh, and they’re seeking sanctions as well. The filing characterizes the state action as a problematic use of the court system, “This entire action is an abusive use of the judiciary intended to harass and defame Ms. Palmore for asserting claims of discrimination and retaliation against Napoli Shkolnik.” And continues to paint the federal action filed by Palmore as the only appropriate action:

The Palmore Action is the only legitimate dispute between these parties—this action is a farce. Not only are the claims in this action easily proven to be built on lies and even as alleged unsustainable on the law, but the lawsuit was filed only after Napoli Shkolnik begged Ms. Palmore not to file her own lawsuit so that the parties could engage in mediation, only for Napoli Shkolnik to use that time to cobble together a fraudulent complaint to preemptively file against her—and then seek press on its filing to impugn her reputation. For that reason, this action is referred to as the “Napoli Preemptive Action.”



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This serves as the basis for Palmore’s motion to quash those non-party subpoenas to her other former employers:

However, the vindictiveness of this action—if not already wholly apparent on its face—is already further bolstered by the fact that Napoli Shkolnik’s served four non-party subpoenas on Ms. Palmore’s former employers only four days after this action was filed and before it was even served on Ms. Palmore (the “Former Employer Subpoenas”). Napoli Shkolnik did not even give Ms. Palmore notice of the subpoenas before service to give her an opportunity to file this motion before commencing the disruptive act of serving subpoenas on people in her professional network. The Former Employer Subpoenas are completely intrusive and seek a broad array of documents that have absolutely no bearing on this litigation and are naked attempts to further tarnish Ms. Palmore’s professional standing and reputation.

The filing characterizes the no-notice subpoenas of former employers as harassing and, they argue, disfavored under New York law. As such, that forms the basis for the request for sanctions, arguing, “the Court should respectfully find that the issuance of the Former Employer Subpoenas was intended to ‘harass or maliciously injure’ Ms. Palmore.

Respectfully, Napoli Shkolnik’s conduct must be deterred in the strongest possible terms, and the mere granting of this motion and quashing of the Former Employer Subpoenas will be insufficient under these circumstances.”

When reached for comment, Lucas Markowitz of Offit Kurman, attorney for Napoli Shkolnik, said:

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As Ms. Palmore seeks media appearance after media appearance, the firm is focused on getting to the truth. Even at this early stage, Ms. Palmore's attorneys are attempting to block her former employers from providing information about her work history and qualifications, and Ms. Palmore is deleting her own Facebook posts about the case. She doesn't want the truth to get out.

You can read the full motion below.

Motion to Quash Subpoenas



Kathryn Rubino is a Senior Editor at Above the Law, host of The Jabot podcast, and co-host of Thinking Like A Lawyer. AtL tipsters are the best, so please connect with her. Feel free to email her with any tips, questions, or comments and follow her on Twitter @Kathryn1 or Mastodon @Kathryn1@mastodon.social.

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