

Illinois Employment Law: Former Employee Wins Invasion of Privacy Claim

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Chicago, IL: When it comes to **employment lawsuits**, wrongful termination and discrimination probably come to mind first. However, one Illinois employment lawsuit has brought to light an issue that could become more widespread—invasion of privacy. Specifically, the plaintiff in the Illinois employment lawsuit alleged that her former employer invaded her privacy after she was fired from her job.

The plaintiff, Kathy Lawlor was awarded \$1.8 million after a jury found that her former employer, North American Corp., managed to obtain a copy of her telephone records without her authorization. According to an article in the *Chicago Tribune* (October 18, 2009), North American was able to obtain those records through something known as "pretexting," obtaining confidential information under false pretenses. In this situation, someone phoned Lawlor's telephone carriers, pretended to be her, and requested phone records.

The jury found that this action constituted an invasion of privacy, although North American has said that it was investigating whether or not Lawlor was stealing business from the company.

According to the Tribune, Lawlor was followed by a private investigator after she was fired from her job on June 15, 2005. Shortly after she was fired, she was allegedly told that she owed her former employer \$20,035 for overpayment of commissions. At that point, she filed a lawsuit against North American. After a private investigator left some paperwork in the trash can of Lawlor's neighbor, Lawlor's attorney determined that her former employer had obtained her phone records.

Lawlor's lawsuit against North American was then broadened to include invasion of privacy, based on the attempt "to fraudulently obtain her cellular phone records." To obtain those records, investigators were given Lawlor's address, Social Security number, phone numbers and birth date.

A CEO of North American testified that the company investigated Lawlor because it believed that she was competing with North American even while she was still employed by it. However, that CEO also testified that North American did not lose any customers as a result of Lawlor's actions.

After this verdict was announced, a judge found that Lawlor acted in an anti-competitive manner against North American. That is because North American claimed that during a job interview with Shamrock Cos, Lawlor told Shamrock her total sales and the gross profit North American earned on those sales. North American claimed that information could allow a competitor to underbid it on its business.

The judge determined that Lawlor owed North American \$78,781 in commissions and \$551,467 in punitive damages. Lawlor still comes out ahead by over \$1 million, however both sides may appeal the verdicts against them.