

BREWER

ATTORNEYS & COUNSELORS

NEWS

FOR IMMEDIATE RELEASE

WAFRA and CEO Fawaz Al-Mubaraki Face Unlawful Termination and Age Discrimination Lawsuit from Former Real Estate Executive

New York, NY... April 11, 2019 – Brewer, Attorneys & Counselors announced today that it has filed an unlawful termination and age discrimination lawsuit on behalf of its client, Francis (“Frank”) Lively, against WAFRA Investment Advisory Group, Inc. (“WAFRA”) and its Chief Executive Officer Fawaz Al-Mubaraki (collectively, “Defendants”). The lawsuit alleges that Lively, a successful 64-year-old real estate executive, was terminated as part of an unlawful discrimination and retaliation campaign directed against elder employees at WAFRA.

Filed in the United States District Court, Southern District of New York, the complaint alleges that Lively was improperly terminated on May 1, 2018, following 21 years of service. Lively’s claims against Defendants include, among others, age discrimination, retaliation, and tortious interference with prospective business relations. According to the lawsuit, WAFRA pretextually claims that Lively was terminated due to allegations of sexual harassment.

“Our client maintains that the alleged basis for his termination was contrived – a smokescreen to justify an improper and unlawful termination,” says William A. Brewer III, partner at Brewer, Attorneys & Counselors and counsel to Lively. “Mr. Lively believes he was fired as part of WAFRA’s campaign to rid itself of senior executives based on their age and, in so doing, to deny those executives the significant contractual and financial duties they are owed.”

The complaint alleges that on April 30, 2018, Lively received a letter from WAFRA’s Human Resources Director, stating that he was suspended without pay, effective immediately. Lively claims that he was deprived of any formal explanation as to why such an action was being taken.

The following day, May 1, 2018, Lively received another letter from WAFRA’s Chief Administration Officer, informing him that he was terminated for purportedly violating company policies. According to the lawsuit, Lively was unceremoniously “terminated without the benefit of an investigation, process, or meeting with his supervisor and Human Resources.”

Following these actions, the alleged victim of harassment, Ms. Sabine Kraut, filed a complaint with the Equal Employment Opportunity Commission (“EEOC”), which was properly and summarily dismissed on September 7, 2018. Lively has previously stated that he takes the harassment claims against him seriously, but firmly denies those allegations. In an approximate 40-year career, there was nothing Lively took more seriously than treating his colleagues with respect and courtesy, including Kraut.

Against that backdrop, Lively’s lawsuit maintains that his termination had nothing to do with the allegations – but rather stemmed from a campaign hatched by Al-Mubaraki to rid the company of senior executives, some of whom have also filed age discrimination lawsuits against WAFRA.

WAFRA

Page 2

According to the complaint, Al-Mubarakhi repeatedly made negative comments about Lively's age and mockingly threatened to have him replaced with younger executives. The complaint claims that, in November 2017, Lively reported Al-Mubarakhi's allegedly discriminatory behavior to WAFRA's Human Resources Director and Chief Operating Officer. Lively also discussed Al-Mubarakhi's conduct with members of WAFRA's parent company, PIFSS, according to the lawsuit.

Lively's lawsuit states that "Defendants cynically seized upon contrived reasons to terminate Lively in order to clear a path for younger executives and to relieve the company of the duties it owes him. Lively's termination is just another episode in a continuing saga of unlawful discrimination and retaliation directed against elder employees, particularly senior management, based on their age."

On September 25, 2018, Lively filed his Charge of Discrimination with the New York District Office of the EEOC, alleging age discrimination and retaliation. Pursuant to the Age Discrimination in Employment Act ("ADEA") and mandatory waiting period of 60 days, Lively is entitled to bring this action.

###

About Brewer, Attorneys & Counselors

Founded in 1984, Brewer, Attorneys & Counselors, has earned a reputation as one of the most successful law firms in the United States practicing exclusively in the field of complex commercial litigation and dispute resolution. With offices in New York and Dallas, Texas, the firm represents a wide spectrum of industry leaders – from entrepreneurs to Fortune 500 corporations – facing the most challenging of legal issues. Visit Brewer, Attorneys & Counselors, at www.brewerattorneys.com.

For more information contact:

Holly Carless

Manager of Public Affairs

hkc@brewerattorneys.com

214-653-4048