

Judge throws out Palmer suit against Infosys

Cites Alabama state law technicalities in lawsuit challenging Infosys' visa use; U.S. probe of outsourcer continues

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A U.S. District Court judge today threw out [a lawsuit](#) filed against Infosys brought by former employee Jay Palmer.

In his ruling, Judge Myron Thompson in Alabama almost seemed apologetic, but cited technicalities in Alabama state law that hurt Palmer's case against the Bangalore, India-based outsourcing firm.

Palmer, a federal whistleblower, alleged that Infosys illegally used foreign workers on client projects.

In his lawsuit, Palmer claimed he was harassed at work, sidelined and even received death threats for refusing to participate in an alleged Infosys scheme to use workers on business visitor, or B-1 visas, for tasks that required an H-1B work visa.

In today's ruling, Thompson said that some of the claims brought by Palmer against Infosys aren't covered by a state law.

"Without question, the alleged electronic and telephonic threats are deeply troubling," wrote Thompson. "Indeed, an argument could be made that such threats against whistleblowers, in particular, should be illegal."

But Thompson wrote that "the issue before the court, however, is not whether Alabama should make these alleged wrongs actionable, but whether they are, in fact, illegal under state law. This court cannot rewrite state law."

Consequently, "this court must conclude that, under current Alabama law, Palmer has no right to recover from Infosys," wrote Thompson.

Palmer's attorney, Kenneth Mendelsohn, said they are "disappointed that the judge threw it out," but added that he and Palmer "were also honored that he acknowledged the wrongful conduct of Infosys and that this is just simply a matter that Alabama law does not allow a claim when the person is still working for the company."

The judge's decision was an employment case.

A separate U.S. inquiry into Infosys' use of the visas continues. The company has acknowledged that it is a target of a federal investigation and has denied any wrongdoing.

In a statement, Infosys said: "Today's decision confirms what we have been saying from the beginning: Mr. Palmer's claims of retaliation were completely unfounded. This is a company built on core values that include leadership by example, integrity and transparency. Those values always have and will continue to shape the way we do business with our clients and, without exception, the way we treat our people. We are pleased to consider this matter officially closed."

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