

Taking on Goliath

Jim Dotson

WITH

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EDITOR'S NOTE

Turning actual events into a concise narrative involves challenges. How do you keep readers interested while presenting a multitude of details? What is needed and what should be excluded from roughly 2,000 pages of court testimony and documents? Can sworn testimony be edited and summarized without compromising the facts? Will compressing the timing of events skew what actually happened? Just how much can be changed and the story still be true?

With these questions in mind, the following story is presented, to the best of our ability, to be true to the events surrounding the case of *Dotson vs. Pfizer* that was tried before a Federal Court in May 2006. Names have been changed to protect privacy. Summaries of court proceedings and repetitive testimony have been condensed to propel the narrative while preserving the trial's essential elements, adhering to facts, and doing our best to maintain an honest, objective perspective. Some lines of argument that, in our opinion, added nothing to the case or the story have been removed entirely.

At the same time, this gripping personal experience reflects a transformative shift in American social culture—one that holds great significance—now and for the future. Thus we have done what we can to preserve its integrity. It is truly a story that needs to be told with as much fidelity to the facts and events as possible.

With these considerations in mind, we humbly submit that:

THE FOLLOWING NARRATIVE IS
BASED ON A TRUE STORY.

*I dedicate this book to my precious daughter Lillian Aselya.
You helped me understand the important lessons in life regarding faith
and family. We are honored to have you as a member of our family.*

*To my wife Ann and our children Hillary, Bennett, and Hunter,
your willingness to sacrifice for the truth and the courage and faith you
displayed are an inspiration to me.*

*Thanks to my “trusted truth tellers,” close friends who love me enough to
say the hard things: Paul, Scott, Dave, Chris, Geoff, and Steve.*

I dare not walk alone.

*Rick Killian, your gifts in helping me craft the story were invaluable
and Barbie Burgess, your help with the early manuscript was crucial.
The Dotson Family hopes this book will encourage others to consider the
blessings of adoption!*

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PROLOGUE

As I sat at the plaintiff's desk awaiting the jury's verdict, I took out a legal pad, flipped past my notes and found a blank page. While everything was still fresh in my mind, I began a letter to my three-and-a-half-year-old daughter Aselya. I knew one day she'd have a flood of questions about her adoption—and how something so wonderful could have shaken our family to its very core. Who could have thought that her arrival would be the first domino in a cascade that led to this courtroom where our future and my reputation were about to be determined? But there would be other questions—questions about the events that changed our family forever. I knew there was no better time to capture my responses to those questions than now, probably just moments before that future was determined.

I wrote:

May 25, 2006

My dear Aselya,

As I write this, I sit at a very large wooden table, with my three attorneys, facing a U.S. Federal Judge. I am just ten feet away from the jury box where, any moment now, the verdict I have fought for two-and-a-half years to hear will be rendered. Despite my former employer's relentless efforts to prevent this case from going to trial, I am thankful for the opportunity to present the facts in a court of law and for the decision to rest in the hands of a jury of my peers. No one, including my attorneys, thought things would go this far, but they did. It made no practical sense that my former employer, Pfizer Pharmaceuticals, would allow the case to go on this long, let alone get to trial.

They have fought us tooth and nail every step of the way. Giants don't fall easily.

But even giants don't have the right to twist the truth and get away with whatever they want. Someone has to stand up to them, and that was my and your mom's goal from the beginning.

While my termination was intended to hurt me, looking back, I see it was used for good. I lost my career, but I reconnected with my heart. I regained my family and each of us developed an inner strength to sustain us regardless of life's circumstances. This difficult journey helped me realize that what my family needed most was "me" not the "stuff" I worked so hard to provide. You and your brothers and sister needed love, time, and encouragement to thrive and grow into healthy confident young men and women—because of that, despite the hardships, I am thankful for this journey. It has not been easy, but neither has it been without reward.

Regardless of the jury's coming verdict, your mom and I want you to know that there is no regret regarding the journey we experienced leading to your arrival. It is such a small price to pay for what you mean to our family. These events represent a badge of honor I will proudly display whenever I am given the opportunity to defend the actions I took surrounding your adoption. Pfizer can take my job, our home, our possessions, and standard of living, but nothing can take that which matters most: our love for you and a new level of understanding and appreciation for what it means to be a family.

Each day of the two-and-a-half year journey from my termination to today has brought me pride and honor to fight for you, Lillian Aselya Dotson, and to see that the truth of your story is told. One of the greatest privileges of my life

Prologue

was bringing you into the Dotson family, and I will never let anyone tarnish the memories of what brought that about. I am a different man because you are my daughter—a better man, regardless of the outcome of this trial. I am thankful for every moment you have been with us, no matter the cost.

At the sound of a door opening, I looked up. A man entered and handed the court clerk a note. The jury had reached a verdict. It was late in the afternoon—5:14 pm by the clock on the wall. The courtroom was almost empty as many had already headed out to get a jump on their Memorial Day weekend. My whole legal team, my wife Ann, and our supportive friends remained, but Pfizer’s counsel had just kept a skeleton crew. Life continued for the rest of the world, even though it stood still for my family and me, awaiting this decision.

Looking at the clock again, I calculated the minutes. The jury had only been deliberating five hours. What had my lawyers said about that? A short deliberation usually went to the plaintiff? Or was it to the defendants? My mind was a fog. I would know soon enough. This case had never been about playing the odds anyway; it was about telling the truth as best I could.

Judge Britt returned to the courtroom and called for the jury. They filed in and took their places. The foreman handed the verdict to the clerk, who crossed the courtroom to Judge Britt. A nervous silence settled over the room.

My mind raced. I thought, *Is this finally it?* In a matter of seconds, the labyrinth of triumph, deception, and painful realization that I’d traveled for the last two decades would be over.

Or so I thought.

One

May 11, 2006
Trial: Day One

I had a very strange feeling as I walked the three blocks from where I had found free parking toward the Federal Courthouse in downtown Raleigh. Just a few years ago, I would have thought nothing to have the car valeted, slipping the carhop an extra ten to see it was better cared for. Now I was just glad to have found free parking so close. Things had certainly changed.

Upon arrival at the marble steps of the courthouse, I paced back and forth along the sidewalk waiting for my attorneys. I must have stuck out as everyone around me bee-lined for work. I folded my arms against the morning's fading chill and nervously fingered the darned thread camouflaging a moth hole in the forearm of my Armani suit. I looked at my watch again—I was twenty minutes early. I settled back into my pacing.

As I waited for my attorneys, I was struck by an eerie sense of *déjà vu*. My mind flashed back to October 17, 2003, when I paced like this in front of a courthouse in Saratov, Russia with my wife, Ann. We were waiting for the judge's decision on our adoption of a thirteen-month-old orphan named Aselya. Too restless to sit still, we had wandered to the park near the courthouse. Tiny snow flurries started falling against a sunny backdrop. Ann and I strolled arm-in-arm, praying and hoping—giddy with excitement and dreading further delay before we could take our sick daughter home. We felt as if the entire world lay before us. I had a great career with the world's largest pharmaceutical company, Pfizer, Incorporated. I enjoyed great benefits and a hefty salary. We were on the verge of completing a family dream. For the last two years we'd wanted to adopt a daughter. We trusted that in just a matter of days we would be returning to the United States with Aselya. Our family would be complete. It was a great time of hope and promise.

Within less than two weeks all of that changed.

The arrival of Bill Barrett and Josh Krasner, the top members of my legal team, jarred me from my reverie. Shaking hands, we all greeted one another, brimming with anticipation for what would begin in just a matter of minutes—something we had fought delay after delay to make happen.

We checked through security just inside the front door, and an officer gave us directions to the elevators, instructing us to go up to the third floor, courtroom number four, where Judge Earl Britt presided. Our steps echoed on the marble of the courthouse's vast lobby. None of us spoke above a whisper as we made our way to the elevators.

The courtroom, with its dark wood paneling and red carpet, was a decisive place—a room for argument, debate, and ultimately judgment. We moved by the spectators' seats, passed through the gate separating participants from observers, and arranged our things on the table to the right of the judge's bench—the place designated for the plaintiffs in civil cases. To our right the jury box sat empty. I looked at the vacant chairs trying to remember each of the twelve faces selected earlier in the week to decide my case.

My gaze turned to the witness stand with its solitary black leather chair and wooden table—bare except for a microphone. This is where I would spend most of the next two or three days as the first witness against my former employer.

Bill Barrett had informed me that when not testifying, I would sit in the chair closest to the jury. The jurors' eyes would be on me constantly. He suggested that I avoid direct eye contact with any of them, and keep my emotions and expressions in check. For a man who generally wears his heart on his sleeve, this would not be easy.

The empty room was soon transformed with a bustle of activity. Pfizer's lead attorney Felix Price and his team arrived and set themselves up at the defendant's table to our left. The court clerk stood to quiet the room and then announced, "All rise." Judge W. Earl Britt entered and took his seat. According to Bill, the man presiding over my destiny was a recently retired federal judge—a Jimmy Carter nominee, confirmed in 1980—with a no-nonsense reputation. He was working part time to help ease this district's backlog of cases. Federal judges serve life terms. This meant Earl Britt answered to no one but the law.

As he had during the previous days of jury selection, the judge got quickly to business, working through a number of questions about evidence and the proceeding for the next few days. Once

done with that, he called for the jury and the court clerk empaneled them. The case of *Jim Dotson vs. Pfizer, Incorporated*, a civil suit for wrongful termination, was ready to begin.

“Members of the jury,” Judge Britt began, “now that you have been sworn, I want to give you some preliminary instructions.”

As Judge Britt began his directives for the jury, I thought back to what had brought us here. For fifteen years Pfizer’s best interests had been my own. The company was the focal point of my life. I assumed I’d retire as a Pfizer executive. Never could I have imagined I would be sitting on the other side of the aisle from Pfizer representatives opposing them in a court of law.

The tension in the air reminded me of another day—one forever branded into my memory.

Two

November 11, 2003

Part One

As I got settled into my bright-red Chevrolet Trailblazer that morning, I found a yellow sticky note from Ann attached to the steering wheel: “I am praying for you today and I love you.” It made me smile even as a lump formed in my throat. I took it from the steering wheel and placed it on top of my portfolio of papers and notes for the day, started the car, and made my way down our drive.

As the engine roared to life accelerating onto the highway, I once again felt the thrill of being behind the wheel of one of Pfizer’s prestige company vehicles. It had been awarded to me the year before because I’d finished among the top ten percent of Pfizer’s Regional Sales Managers. It was a constant reminder of how good life had been over the past fifteen years of working for the greatest pharmaceutical company in the world.

Glancing down at Ann's note again, however, gave me pause. Things were different now, and this note was just another proof of that. Ann wasn't a big note writer. In our seventeen years of marriage, this was one of roughly a handful she had left for me. I felt warmed by her intent, but at the same time I realized it meant she was sensing the pressure I had been trying not to bring home over the last couple of months.

All the hours I had spent away from my family over the years to earn *stuff*—this car, vacations at five-star resorts, bonuses—carried a different weight with me now than they ever had before. Life was different; I had a new perspective. I wasn't sure if it was the finalization of Aselya's adoption that had caused this change, though that had certainly been a big part of it. There were now six of us; we were "complete." With that, family was taking greater priority in my life. It wasn't that my drive to be a good "breadwinner" for my family had changed, but life experience had taught me to put the sales rankings in perspective. I was working my way towards a healthier balance between Pfizer and home. The future ahead was still full of possibilities.

At the same time, I didn't really have time to think about all of that at the moment. The next several weeks wouldn't be about balance, they would be about getting things back on track at work. In finalizing the adoption, I'd been gone more than three of the last five weeks traveling twice to Russia and back. With Aselya now home with us and the mountains of adoption paperwork and bureaucracy finally behind us; I had ground to make up. Nothing I couldn't do, though, I knew. Nothing I hadn't done before.

Still, I was stressed. Though I had been a top producer with Pfizer during the last fifteen years, things were changing almost

too rapidly to keep up with at work, let alone with all the extra work the adoption process had added.

Just six months ago, we'd moved back to North Carolina where we wanted to raise our family. That put me under a new group of managers who had not grown up in the same Pfizer culture as I did—they had come in as the result of corporate take-overs, mergers, and reorganizational shifts. At the moment, things were a bit tense with my supervisor Richard Hadley and his superior Pat McDermott. Despite my best efforts, my absences and the distractions of the adoption were clearly rubbing my management team the wrong way.

Ann knew that Richard would be traveling with me today to a new client meeting. It was a five-hour round-trip to New Bern for a thirty-minute call. And even though supervisors typically spent a day every couple of months with account representatives, the timing of this ride-along seemed out of place. It was only my second week back after Aselya's adoption, and I had lots going on. But Richard insisted.

I was to meet Richard at a Hardee's restaurant on the east side of Raleigh at 8:00 am. He arrived twenty minutes late, left his car in the parking lot, and hopped into the Trailblazer. As we headed east, I immediately started briefing him on my plans for our meeting. I was also excited to outline the work I had been doing with a colleague, Howard Swain, preparing for a high-profile statewide health fair for the State Employees Health Plan—Pfizer's top North Carolina account. The State Highway Patrol and Governor Michael Easley were also involved in what would be one of Pfizer's largest events for our entire region that year. It was sure to generate significant media coverage. It was also a touchy subject. Just before my last trip to Russia, the Highway Patrol account—one I had

developed from the ground up to one of our region's largest—was transferred from me to Howard to the surprise and confusion of our entire local team. My involvement with it beyond this event would be minimal. Yet I wanted to demonstrate to Richard that I was a team player committed to the health fair's success even though it wouldn't personally benefit me.

As I spoke, Richard didn't ask any questions. He just stared out the window. I provided updates on assignments he and Pat had given me between my two trips to Russia. He showed no interest. Then, in the middle of one of my sentences, he said matter-of-factly, "Oh, by the way, I have to be back in Raleigh at three o'clock for a meeting. I can't be late."

I looked at my watch and quickly calculated driving and meeting time. I would be rushed. It would be hard to have a thorough meeting with my new client and be back by three o'clock. Once again Richard and I were clashing on how things were done "the Pfizer way." I had been trained to believe that customer focus was a core value—a key to Pfizer's success as a Fortune 25 company. I didn't want to add to the tension between us, so I smiled and casually shrugged. "That will make it awfully tight, but I'll do my best to get you back on time."

Without responding, Richard looked back out the side window. We drove the rest of the way in almost complete silence.

As I greeted the client in New Bern, I was back in my element. The art of the sale and the challenges that go with it are what always made my work exhilarating. This was a chance to show Richard why I had done so well over the years.

I couldn't have asked for things to go more smoothly, either. The new client was definitely on board with the programs and plan I was presenting. Time flew by. Before I knew it, we needed to leave

to make Richard's three o'clock appointment, but we had just a few more details to cover to tie things up. I was still under pressure to perform. I knew headquarters would want me to take the few extra minutes to make sure everything was in order before we left. I could drive a little faster, or certainly Richard could justify being a few minutes late. So I launched wholeheartedly into a discussion of the critical next step as Richard looked nervously at his watch.

"I'm sorry," Richard finally interrupted. "I have to be back in Raleigh for a three o'clock meeting. When is the best time to call you and confirm the next steps?"

I was floored, but Richard was the boss. It was very awkward. I assured my client that I would be following up before the end of the week.

I'd participated in hundreds of field rides over the years and had even trained managers on how to conduct effective ones. Each customer was to feel they were the priority of the day. Richard's behavior was clearly outside Pfizer's traditional playbook.

The trip home was as awkwardly silent as the trip to New Bern had been. Richard periodically asked if we'd be on time for his meeting. Every attempt at small talk failed. He mumbled one-word responses, if anything at all, and eventually I gave up. Richard was more focused on counting mileage markers than discussing Pfizer business or even the modifications that had been requested for my annual business plan.

As we neared our exit, Richard asked, "Um, it's going to be too close for me to get my car and still be on time, could you just drive me and wait?"

I steeled myself against the audacity of the request. I was supposed to sit and wait while he had his meeting and then chauffeur him back to his car? I pushed back as respectfully as I could, "Richard,

it will take less than five minutes to stop now versus over an hour backtracking at the end of the day during rush hour. My family is visiting from out of town to see our new baby and I don't want to be late getting home."

Thankfully, he relented. "Oh, all right, but let's make it quick." Then he looked at his watch again nervously.

As he got out of my car at the Hardee's, Richard made another strange request, "Could you lead me over to the hotel? I am not sure of the quickest way there and I can't be late."

"Let's roll," I responded, trying to keep further irritation out of my voice. I realized I had nothing to gain by resisting again. I grew increasingly curious about the purpose of his meeting as we drove the twenty minutes to the hotel.

We pulled into the parking lot of the Fairfield Inn at 2:59 pm. I waited while Richard parked his car and then I rolled down my window intending to thank him for the day and then make my getaway. The brisk air on my face was invigorating after the long drive. I realized I could now arrive home a bit earlier than I had previously planned. It would be a nice surprise for my mother and niece, Emily, who had driven two-hours to Raleigh to spend time with my wife and children—especially Aselya. They'd only briefly met her one other time.

Richard approached my car and interrupted my train of thought. Nervously he said, "Actually, Jim, can you park your car? I need you to join me for this meeting." I hoped he didn't notice my wince. *You're the boss*, I thought. "Sure," I tried to smile. "I'll be right in. Do I need to bring anything?"

We entered the hotel as the clock ticked to 3:02. Richard paused briefly just inside the lobby, looking around. He wouldn't meet my gaze and his shoulders drooped as he offered apologetically,

“Jim, I’m really sorry for what’s going to happen. I didn’t plan for it to go this way.”

The feeling of trepidation that haunted me after reading Ann’s warm note that morning returned. I suddenly realized this wasn’t Richard’s meeting. This meeting was for me. My mind raced. Was this about the reports that I submitted a few hours late after my first trip to Russia? Had something gone wrong with one of my accounts? I was confused. Why all the cloak and dagger to get me here? Richard had just spent five hours in my car. Why had he pretended the whole time that this was his meeting? I felt my whole body tense. I obviously had more to fix before things would get better.

Or so I thought.

We walked through the small lobby and I quickly noticed Anita Holland, Pfizer’s director of Human Resources for the Southeast Region, and Pat McDermott, my regional manager and Richard’s supervisor, sitting on couches. They stood as we approached and my eyes immediately connected with Anita’s as I offered my hand, “Anita, nice to see you. This is an unexpected surprise.” I tried to keep my voice steady. Evidently they both had flown up from Atlanta just for this meeting.

“Jim,” Anita said, taking my hand, but her eyes locked onto something just over my shoulder. It was all I could do not to turn to follow her gaze, but my training over the years had taught me to maintain eye contact, no matter what. Pat’s odd smile sent shivers down my spine. We exchanged awkward pleasantries. “We have a conference room reserved in the back. Right this way,” he motioned and headed down the hallway carrying his black brief case.

I could hear my heartbeat in my ears. I tried to ignore it.

“So, Anita,” I said, trying to regain some composure, “Looks like the Tar Heels will be worth watching again this season.” She and I were both big North Carolina basketball fans. Anita said nothing, focused straight ahead, and picked up her pace.

Inside the conference room, three black executive chairs were positioned at the table opposite just one on the other side. Anita motioned for me to sit in the solitary one. The lump growing in my throat suddenly felt like a bowling ball. I grew a little short of breath.

What could this be about? My business plan review meeting had not gone so well the month before and then I had left almost immediately to return to Russia for a few weeks to finalize Aselya’s adoption. I knew that had put me further behind on some things they wanted me to do, but given that they had approved the vacation time and everything, I figured they would give me a little slack to catch up, at least until the end of the month. I even took Pfizer work with me. I worked Saturday and Sunday when I got back, though there were still changes I needed to make to my business plan, but that wasn’t due yet either. What had happened to justify all of this drama? What had I done?

I eased myself into the chair facing the three of them. I realized my palms were damp as I gripped the faux leather armrests. My eyes darted between the three. No one returned my gaze. Instead they focused on extracting papers from their briefcases and arranging them on the table before them.

I noticed Anita’s and Pat’s stacks appeared to be identical and freshly organized. Anita looked up, but stared right through me. Richard opened a black portfolio and began scribbling in

the margins. He clearly wasn't here to participate. He fidgeted nervously as though he was being forced to witness a crime.

Anita nodded to Pat, who was seated in the middle. He situated his reading glasses on the tip of his nose, picked up the top sheet of paper, cleared his throat, and began reading as if issuing a press release in front of television cameras:

Your employment with Pfizer is being terminated immediately based upon your violation of Pfizer samples handling policies and procedures in your action taking Zithromax samples to an orphanage in Russia where you adopted a child. Your actions give the appearance of *quid pro quo* and put Pfizer at risk as a corporation.

Or at least that is what the paper said when I looked back over it a few days later. In that moment, I had heard nothing after the word “terminated.”