

LAW & THE COURTS

Ex-Wright Exec Sues

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Frank Bono, former senior vice president and chief technology officer for Wright Medical Technology, Inc., has filed a complaint in Shelby County Chancery Court against his former employer seeking damages and injunctive relief for breach of contract, retaliatory discharge, defamation and violations of the Tennessee Public Protection Act.

Wright Medical, an Arlington-based medical device manufacturer, terminated Bono in April, claiming he failed to exhibit appropriate regard for the company's ongoing compliance program put in place after the U.S. Justice Department claimed Wright violated the federal kickback statute.

Bono alleges in the Jan. 6 complaint that the board's reasons for firing him were that he was not forthcoming with them about facts related to compliance and that he had drafted a memorandum intended to mislead surgeon-customers about facts related to the company's compliance efforts.

Bono maintains in the complaint he never engaged in conduct that could be injurious to his former employer, whom he claims lacked the proper grounds to fire him.

In September 2010, following negotiations with the federal government regarding Wright's compliance program, the company's board of directors entered into a deferred prosecution agreement with the government in an effort to avoid criminal prosecution. As part of the agreement, Wright hired James Tucker of law firm **Butler, Snow, O'Mara, Stevens & Cannada PLLC** as its monitor as part of the DPA, according

to the complaint.

Bono's complaint goes on to say Wright identified its chief compliance officer, Lisa Michels, as being "instrumental and critical to their goal of appearing to be in compliance with the DPA," and that Wright leaders and Tucker "went to great lengths to bolster Michels' position and to shield her from criticism."

The complaint says Bono and other employees voiced concerns about Michels' ability to do her job, alleging they had documented missed deadlines, clerical and policy communication errors and failure to attend important meetings.

The board, Bono alleges, subsequently fired him despite positive performance reviews, and also fired other employees who had raised concerns about Michels, demonstrating the company was "far more concerned with the appearance of compliance than it was with actually complying with applicable laws and regulations." The complaint also claims he and his coworkers were fired in an attempt to "shore up stock prices by eliciting positive review" from Tucker.

The DPA was extended in September by at least a year. The month before, Michels was terminated, according to the complaint, because the company "knew that its gambit of blindly supporting Michels in an effort to avoid extension of the DPA had failed."

Bono is asking the company to pay for compensatory damages in an amount to be determined at trial, in addition to punitive damages, front pay, back pay, interest, expenses and attorney's fees.

