

statement of any kind was made to indicate that Lopez's job was in jeopardy if he did not sign the agreement. Was the release voidable because of duress?

Lopez returned to work in February of 2007. At about this time, Lopez and The G-Man began a series of negotiations about compensation for Lopez's injury and the resulting medical treatment. During the period of negotiations, a number of people assisted Lopez with translation and interpretation of the proposed agreement because Lopez could not read or understand English. Following the parties' first meeting, Lopez was provided with a copy of the proposed agreement for his further review. The parties later reconvened, but parted ways without reaching an agreement. Lopez again took the proposed release agreement with him. Upon the parties' third meeting, Lopez was assisted by a certified interpreter who translated the agreement for Lopez from English to Spanish and sought to assure that Lopez understood the terms of the agreement. Thereafter, in May of 2007, Lopez signed the agreement. Under the terms of the agreement, The G-Man agreed to pay Lopez \$5,000 in \$100 monthly increments. The parties further agreed to "carve out" of the release Lopez's past medical expenses and reasonable and necessary future medical expenses. In exchange, Lopez agreed to release The G-Man from all claims, including claims for negligence and gross negligence. The G-Man terminated Lopez's employment in July 2007. Lopez then sued The G-Man, alleging that it was liable for his previous injury under theories of negligence and negligence per se. The G-Man claimed that Lopez had validly released it from all liability, but Lopez asserted that he signed the release under duress. He claimed that Hawley, the owner of The G-Man, had told him at some time during the three-month period after he returned to work that he would not be permitted to return to work or to go on vacation until he signed the agreement. The interpreter testified that no

2. In November of 2006, Lopez was working for The G-Man, Inc., as a “thrower” on one of its garbage trucks. Lopez was injured when a garbage can fell on his left hand. Lopez was treated for his injuries, spent approximately eight days in the hospital, and, ultimately, had a majority of his left ring finger amputated.
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