

Law

Defense firm, ex-employee spar in court
Whistleblower defendant targets plaintiff's venture

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Dennis P. Glynn, a military veteran and electrical engineer, claims he was fired from his senior position at a New Hampshire defense contractor in December 2006 after he alerted the Department of Defense that hundreds of the anti-terrorist systems it bought for deployment in Iraq were defective at high temperatures.

His former employer counters that Glynn was fired for his ornery disposition, and seeks a preliminary injunction to prevent him from using what it alleges is its proprietary counter-IED — the so-called improvised explosive devices, often used for roadside bombs — technology in his new subcontracting work.

Glynn, in turn, says the counterclaims are designed to discourage his persistence with his suit as well as his cooperation in any criminal investigation of the alleged conduct.

The two sides are back in U.S. District Court in Baltimore on competing motions for preliminary injunctions:

Judge J. Frederick Motz appeared annoyed and exhausted by the second day of the hearing Monday, most of which consisted of Glynn's testimony.

Glynn spoke in calm, calculated sentences and one-word answers for much of his examination, but certain questions caused his voice to rise and quaver as he passionately explained his case to Motz or Connie M. Bertram, the defense attorney cross-examining him.

"They could have fixed the problem right away," Glynn testified. "They could have notified the government, but they didn't."

Jamming systems

Specifically, Glynn alleges more than 700 electronic jamming systems meant to frustrate the detonation of IEDs were not recalled from the battlefield, even after the problem was identified, because Impact Science & Technology Inc. executives did not want to jeopardize

their relationship with the government or EDO Corp., which acquired IST shortly thereafter in September 2006.

IST and EDO then merged with McClean, Va.-based ITT Corp., although they retain their separate identities.

After the heat issue was uncovered in May 2006, IST had Glynn's team develop a remedy — a temperature component that automatically adjusts the power level. Glynn suggested to IST Program Manager Michael E. Caprario that the faulty \$40,000 systems already in use represented both a threat to U.S. troops and a possible criminal defrauding of the Department of Defense.

Caprario refused to recall the units or notify the government, according to Glynn's latest amended complaint.

"He said, 'I don't want to upset the apple cart right now,'" Glynn testified Monday.

Glynn eventually called the Department of Defense Office of Inspector General and raised his concerns with a special agent there. A colonel from U.S. Special Operations Command, the eventual user of IST's "Mobile Multi-band Jammer-1A," then visited IST unannounced to perform checks of the units at its Nashua, N.H., plant.

After those units passed — they had been modified in response to the initial power concerns — nine units were recalled from the field. Glynn testified that they all failed, but a letter from the Department of Defense indicated they passed.

"IST stands by its product which has saved lives in the Iraqi war zones, never failed in the field, and is consistently used by its customer, the Department of Defense," defense attorney William M. Sullivan Jr. said after yesterday's hearing.

Glynn was fired in December 2006.

After his termination, Glynn launched Saltwhistle Technology LLC, a consultancy that has since collaborated with Foster-Miller Inc. on "next-generation reactive based" counter-IED products. One of these, the SWT-1000 receiver, is three to four months from completion; the SWT-2000 is in its initial design stages.

IST and EDO have claimed that Glynn developed these items with schematics he had on his home computer, e-mailed to himself shortly before his termination, or received by e-mail from a co-worker who left IST in April.

Glynn testified that his latest counter-IED modules are "totally new and totally unique" from anything he did at IST.

John Joseph, senior principal engineer at IST, testified after Glynn on Monday afternoon,

and characterized his former peer as unpopular due to his “bullying and intimidation.”

Another IST engineer will testify Tuesday morning before Motz hears final arguments.