

## **Summary Judgment Review**

**Case Name:** *Latoya Riley v. CSX Transportation, Inc.*

**Nature of the Order:** Magistrate's Report & Recommendation

**Magistrate Judge:** Linda T. Walker

**District Judge:** Mark Howard Cohen

### **Claims & Outcomes:**

1. **Claim:** Title VII – Race Discrimination
  - a. **Outcome:** Recommend Granting Defendant's Motion for Summary Judgment
2. **Claim:** Title VII – Race Retaliation
  - a. **Outcome:** Plaintiff Conceded
3. **Claim:** Section 1981 – Race Discrimination
  - a. **Outcome:** Recommend Granting Defendant's Motion for Summary Judgment
4. **Claim:** Section 1981 – Race Retaliation
  - a. **Outcome:** Plaintiff Conceded

**Whether R&R Followed:** N/A

**Gender:** Female

**Race:** African American

## **Summary**

Plaintiff Latoya Riley worked for Defendant CSX Transportation, Inc. ("CSX"), as a train dispatcher. On July 27, 2013, Ms. Riley was charged with a Major violation – the worst of 3 types of rule violations as classified by CSX. One of Ms. Riley's superiors, Robert Golden, referred her for discipline and informed her that she was being suspended pending an investigation. Per CSX's disciplinary process, CSX held an investigative hearing regarding the rules violation shortly thereafter. Jermaine Swafford, the Atlanta Division Manager, reviewed the hearing transcript and determined that Ms. Riley's actions warranted dismissal and CSX terminated Ms. Riley's employment. Ms. Riley's union contested her termination by filing an arbitration claim under the Collective Bargaining Agreement. The arbitration board determined that termination was too harsh a punishment and gave Ms. Riley the opportunity to return to work, which she accepted.

Defendant moved for Summary Judgment on all counts. Plaintiff conceded that Defendant was entitled to Summary Judgment on her retaliation claims and gender discrimination claims, leaving Plaintiff's race discrimination claims under Section 1981 and Title VII.

The Court first considered whether Ms. Riley proffered a valid comparator by analyzing whether Ms. Riley and her comparator had "similar work histories." It found that the evidence

brought forth by Ms. Riley – her declaration and testimony – were insufficient to show that she and the comparator had similar work histories because Ms. Riley did not have personal knowledge of the relevant incident involving the comparator. Moreover, even if the Court did consider Ms. Riley’s evidence, the comparator’s incident was materially different than Ms. Riley’s. Accordingly, the fact that Ms. Riley was punished and the comparator was not was based upon the unique circumstances of each incident.

The Court then responded to Ms. Riley’s attempt to use the “cat’s paw theory” to substantiate her prima facie case. Ms. Riley argued that Mr. Golden’s decision to refer her for discipline was akin to terminating her employment. The Court disagreed. Committing a Major violating did not result in automatic termination, meaning that Mr. Golden referring Plaintiff for discipline was not the same as him terminating her. Moreover, Ms. Riley failed to show that Mr. Swafford followed any allegedly biased recommendation without independently investigating. Mr. Swafford did investigate the incident by reviewing the hearing record, meaning that his decision to terminate was more than a mere “rubber stamp” for a biased recommendation.

Finally, the Court found that Ms. Riley did not argue that CSX’s legitimate, non-discriminatory reasons for terminating her employment were pretextual. Ms. Riley effectively admitted that she committed the conduct that led to her Major infraction. Thus, she could not show that CSX’s reason for disciplining her was false.

Judge Walker, therefore, recommended GRANTING Defendant’s Motion for Summary Judgment.