

Summary Judgment Review

Case Name: *Butts v. Centimark Corp.*

Nature of the Order: Order Adopting the Magistrate Judge's R&R Granting Defendant's Motion for Summary Judgment

Magistrate Judge: Catherine M. Salinas

District Judge: Mark H. Cohen

Claims & Outcomes:

1. **Claim:** Title VII Race/Color Discrimination
 - a. **Outcome:** Summary Judgment Granted
2. **Claim:** Retaliation (Title VII)
 - a. **Outcome:** Summary Judgment Granted

Whether R&R Followed: Yes

For Race/Gender Discrimination Cases:

Race of Plaintiff:

Gender of Plaintiff: Male

Summary

Magistrate Judge Catherine M. Salinas granted CentiMark's motion to strike Plaintiff Keian Butt's untimely materials filed in response to its motion for summary judgment, in part because he did not ask for permission from the Court to file out of time. Judge Cohen stated that Butts failed to establish Judge Salinas clearly abused her discretion in granting CentiMark's motion to strike because Butts gave the Court no reason for missing the deadline. Therefore, Butts' objections were overruled.

Next, Butts objected to Judge Salinas's conclusion that he failed to satisfy the fourth prong of the *McDonnell-Douglas* burden-shifting framework: that CentiMark treated similarly situated employees outside his class more favorably than it treated Butts. Judge Cohen overruled his objection because the person Butts identified as a comparator was a white man with 14 years of experience as opposed to Butts's two years of experience. Butts also struggled with training and was disciplined for failing to complete assignments.

Finally, Butts contended that CentiMark failed to articulate a legitimate, non-discriminatory reason for its actions. Judge Cohen agreed with Judge Salinas,

that even if Butts had made out a *prima facie* case, CentiMark met its burden by offering the reasoning that Butts was demoted because he declined an opportunity to redo a portion of training, that he did not complete assigned tasks, and that Butts was terminated for failing to come to work. Butts didn't challenge Judge Salinas's reasoning.

Thus, the Court adopted the Magistrate Judges R&R.