

Summary Judgment Review

Case Name: *Schofield v. Ring Hospitality, LLC*

Nature of the Order: Order Adopting the Report & Recommendation and Denying Summary Judgment

Magistrate Judge: Walter E. Johnson

District Judge: Harold L. Murphy

Claims & Outcomes:

1. **Claim:** Pregnancy Discrimination (Title VII/PDA)
 - a. **Outcome:** Summary Judgment Denied

Whether R&R Followed: Yes

For Race/Gender Discrimination Cases:

Race of Plaintiff: N/A

Gender of Plaintiff: Female

Summary

Plaintiff Sabrina Schofield (“Schofield” or “Plaintiff”) was hired by Robert McIntyre to work as Assistant General Manager for Defendant Ring Hospitality, LLC (“Ring” or “Defendant”), which operates a hotel. Part of Schofield’s job was to work at least 48 hours per week, although McIntyre told her she wouldn’t have to work much more than 48 hours and could mostly work morning shifts because it was important to her to be with her family in the evenings. Another employee, Front Desk Manager Charlayne Fountain (“Fountain”), was subject to the same 48-hour requirement and also reported to McIntyre. However, on at least one occasion, Fountain failed to show up for work to cover for an absent member of her staff, such that Schofield had to work a 17-hour shift to cover for Fountain and her absent staff member. Fountain later said she did not come in because she had already worked her 48 hours that week and did not want to work more. Fountain was not disciplined or fired for this incident.

Meanwhile, Plaintiff Schofield learned on January 16, 2020 that she was pregnant. She informed McIntyre of her pregnancy the next day. After the announcement, McIntyre and Fountain both began to ignore Schofield and, when the next schedule was posted, McIntyre changed the schedule to require Schofield to work most of the night shifts. Even though Ring/McIntyre never disciplined Schofield or told her that her performance was inadequate, she was terminated on February 3, 2020. Ring management said it terminated Schofield for poor work performance, meaning that she had difficulty meeting her 48-hour per week requirement and missed work.

Schofield filed suit in this case, alleging sex/pregnancy discrimination in violation of Title VII, as amended by the Pregnancy Discrimination Act (“PDA”). Defendant moved for Summary Judgment on the sole claim (Pregnancy Discrimination).

Magistrate Judge Walter E. Johnson recommended denying Defendant’s summary judgment motion. Defendant filed objections to the recommendation. District Judge Harold L. Murphy overruled Defendant’s objections and, without additional reasoning, adopted the recommendation as the opinion of the Court. Thus, the reasoning that follows is from Judge Johnson’s Report & Recommendation.

First, Judge Johnson held that Defendant had admitted every factual assertion Plaintiff made because it did not file any response to Plaintiff’s Statement of Additional Material Facts.

Second, Judge Johnson held that Plaintiff established a *prima facie* case of pregnancy discrimination. Judge Johnson found that Fountain was similarly situated in all material respects to Schofield – except that Schofield was pregnant and Fountain was not. They were both accused of not wanting to work the 48-hour per week minimum and missing work. They were both subject to the same rules and reported to the same supervisor (McIntyre). And they had the same employment history. However, when Fountain expressed a desire not to work more than 48 hours – even going so far as to miss a shift without warning – she was not even disciplined. In contrast, Schofield was terminated simply for not wanting to work more than 48 hours and asking permission to leave early. This more favorable treatment of a non-pregnant employee for the same offense established a *prima facie* case of pregnancy discrimination.

Third, Judge Johnson found that Plaintiff had created a genuine issue as to whether Defendant’s asserted justification for the termination – not doing the required work/poor performance/difficulty meeting the 48-hour requirement and missing work – was pretext for discrimination. Judge Johnson found Defendant submitted no probative evidence of Plaintiff not doing the required work or having difficulty meeting the 48-hour requirement. In fact, she typically worked more than 48 hours, and McIntyre never told Schofield she was not meeting expectations until he fired her. Judge Johnson also found evidence of pretext in: (1) the close temporal proximity between the pregnancy announcement and the termination (2 weeks), (2) the unfavorable work schedule (mostly nights) given to Plaintiff immediately after her announcement, (3) McIntyre ignoring her after she announced her pregnancy, and (4) the favorable treatment given to the non-pregnant employee, Fountain. All this was enough for a reasonable jury to find pretext.

Judge Johnson, therefore, recommended denying Defendant’s Motion for Summary Judgment.

District Judge Murphy overruled Defendant’s objections, adopted the recommendation of Magistrate Judge Johnson, and DENIED summary judgment on Plaintiff’s pregnancy discrimination claim.