

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

SABRINA SCHOFIELD,

Plaintiff,

v.

RING HOSPITALITY, LLC,

Defendant.

CIVIL ACTION FILE NO.  
4:20-CV-0163-HLM-WEJ

ORDER

This case is before the Court on Defendant's Motion for Summary Judgment [37], on the Final Report and Recommendation of United States Magistrate Judge Walter E. Johnson [48], and on Defendant's Objections to the Final Report and Recommendation [50].

**I. Standard of Review**

28 U.S.C. § 636(b)(1) requires that in reviewing a magistrate judge's report and recommendation, the district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which

objection is made.” 28 U.S.C. § 636(b)(1). The Court therefore must conduct a de novo review if a party files “a proper, specific objection” to a factual finding contained in the report and recommendation. Macort v. Prem, Inc., 208 F. App’x 781, 784 (11th Cir. 2006); Jeffrey S. by Ernest S. v. State Bd. of Educ., 896 F.2d 507, 513 (11th Cir. 1990). If no party files a timely objection to a factual finding in the report and recommendation, the Court reviews that finding for clear error. Macort, 208 F. App’x at 784. Legal conclusions, of course, are subject to de novo review even if no party specifically objects. United States v. Keel, 164 F. App’x 958, 961 (11th Cir. 2006); United States v. Warren, 687 F.2d 347, 347 (11th Cir. 1982).

## **II. Background**

### **A. Procedural Background**

On April 14, 2021, Defendant filed its Motion for Summary Judgment. (Mot. Summ. J. (Docket Entry No. 37).) On June 23, 2021, Judge Johnson issued his Final Report and

Recommendation. (Final Report & Recommendation (Docket Entry No. 48).) Judge Johnson recommended that the Court deny Defendant's Motion for Summary Judgment. (Id.)

Defendant filed Objections to the Final Report and Recommendation. (Objs. (Docket Entry No. 50).) The Court finds that no response to those Objections from Plaintiff is necessary, and it concludes that the matter is ripe for resolution.

## **B. Statement of Facts**

The Court follows the same procedures and rules that Judge Johnson followed when evaluating the Parties' Statements of Material Fact. (Final Report & Recommendation at 2-4.) The Court finds that Judge Johnson properly evaluated Defendant's Statement of Material Facts ("DSMF"), Plaintiff's response to DSMF ("PRDSMF"), and Plaintiff's Statement of Additional Material Facts ("PSAMF"). Specifically, the Court agrees with Judge Johnson that Defendant admitted PSAMF by failing to respond to it. (Id. at 2-3.) To the extent that Defendant objects to this conclusion, the Court overrules the Objection.

### **C. Factual Background**

Judge Johnson accurately set forth the factual background for this case. (Final Report & Recommendation at 4-12.) The Court overrules any objection by Defendant to Judge Johnson's factual findings. The Court incorporates the factual background portion of the Final Report and Recommendation into this Order as if set forth fully herein.

## **III. Discussion**

### **A. Summary Judgment Standard**

The Court applies the same summary judgment standard as set forth in the Final Report and Recommendation. (Final Report & Recommendation at 13-14.) To the extent that Defendant objects to this standard or argues that Judge Johnson misapplied it, the Court overrules the objection.

### **B. Discussion**

The Court agrees with Judge Johnson that a genuine dispute remains as to Plaintiff's claim. (Final Report & Recommendation at 15-22.) Judge Johnson accurately set forth

the law governing claims under Title VII and the Pregnancy Discrimination Act. (Final Report & Recommendation at 15-16.) The Court agrees with Judge Johnson that a genuine dispute remains as to whether Plaintiff established a prima facie case of discrimination. (Id. at 16-19.) Although Judge Johnson correctly concluded that Defendant articulated a legitimate, non-discriminatory reason for terminating Plaintiff (id. at 19-20), he also properly found that a genuine dispute remained as to pretext (id. at 20-22). With all due respect to Defendant, nothing in its Objections warrants rejecting the Final Report and Recommendation. A genuine dispute clearly remains as to Plaintiff's claim. The Court agrees with Judge Johnson that Defendant is not entitled to summary judgment in its favor.

In sum, Judge Johnson correctly found that Defendant is not entitled to summary judgment. The Court therefore adopts the Final Report and Recommendation, overrules Defendant's Objections, and denies Defendant's Motion for Summary Judgment.

### III. Discussion

ACCORDINGLY, the Court **ADOPTS** the Final Report and Recommendation of United States Magistrate Judge Walter E. Johnson [48], **OVERRULES** Defendant's Objections [50], and **DENIES** Defendant's Motion for Summary Judgment [37]. The Court **DIRECTS** the Parties to file their proposed consolidated pretrial order **WITHIN THIRTY (30) DAYS AFTER THE DATE OF THIS ORDER.**

IT IS SO ORDERED, this the 9th day of July, 2021.

/s/ Harold L. Murphy

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SENIOR UNITED STATES DISTRICT JUDGE