

Summary Judgment Review

Case Name: Moore v. Cobb County School District

Nature of the Order: Order Adopting the Magistrate's Report and Recommendation

Magistrate Judge: Walter E. Johnson

District Judge: Michael L. Brown

Claims & Outcomes:

1. Claim: FMLA Interference
 - **Outcome:** Summary Judgment Denied
2. Claim: FMLA Retaliation
 - **Outcomes:** Summary Judgment Denied
3. Disability Discrimination under ADA and Rehabilitation Act
 - **Outcome:** Summary Judgment Denied
4. Claim: Disability Retaliation under ADA and Rehabilitation Act
 - **Outcome:** Summary Judgment Denied
5. Claim: Retaliation under Title VII
 - **Outcome:** Summary Judgment Granted
6. Claim: Retaliation under Title VI
 - **Outcome:** Summary Judgment Granted

Whether R&R Followed: Yes, as to recommendations; the Court overrules the Magistrate's R&R on two facts and one legal element that do not ultimately impact the recommendations.

For Race/Gender Discrimination Cases:

Race of Plaintiff: African American

Gender of Plaintiff: Female

Long Summary:

The Court adopted the Magistrate's Report & Recommendation, which is summarized below. The Court stated, "The Court's decision to reject the Magistrate Judge's finding as to two of the facts and the second element of McDonnell Douglas for the retaliation claims does not impact the Court's decision otherwise to adopt the recommendation that it grant in part and deny in part Defendant's motion." There were two facts that the Court interpreted differently than the Magistrate Judge. This summary does not discuss these factual differences as it did not require a different conclusion than the one the Magistrate Judge reached. With respect to the second element of McDonnell Douglas for the retaliation claims, the Court could not determine whether there was legitimate, non-retaliatory reason for termination because the Court found that there was a genuine dispute as to material fact as to who decided to not renew Plaintiff's contract. However, this did

not change the ultimate recommendation reached by the Magistrate Judge as he recommended denying summary judgment on the retaliation claims.

The Magistrate Judge's Report and Recommendation is summarized here: The Cobb County School District chose not to renew the contract of Ms. Moore, an African American teacher with anxiety, ADHD, and a panic disorder, following poor evaluations and multiple absences due to her medical issues. She was able to successfully defend her FMLA and disability claims against Defendant's Motion for Summary Judgment by showing the court that her supervisor, Ms. Young, made comments about her absences while she requested FMLA leave and within performance evaluations, the temporal proximity between her taking FMLA leave and being denied contract renewal a month later was significant, and her Professionalism (related to absences) scores were consistently low. She was unable to defend her racial discrimination claims because the Court found the timing of comments and complaints to be insignificant when the adverse employment action occurred 5 months later, and the incidents complained about were isolated to only a few times or the instigators were punished by Defendant.