

Summary Judgment Review

Case Name: Pruitt v. City of Atlanta, Sgt. John T. Ellis, and Lt. Michael S. Kreher, in individual capacity

Nature of the Order: Renewed Motion as to Qualified Immunity for Summary Judgment Denied

Magistrate Judge: Linda T. Walker

District Judge: Amy Totenberg

Claims & Outcomes:

Claims (at issue in this order): Fourteenth Amendment Equal Protection via Section 1983

- **Outcome:** Renewed Motion as to Qualified Immunity for Summary Judgment Denied

Whether R&R Followed: Yes.

For Race/Gender Discrimination Cases:

Gender of Plaintiff: Female

Summary:

Plaintiff was a police officer with APD's Vice Unit and worked a large sting operation that was ultimately videotaped. At the time of the sting operation that was being videotaped, Plaintiff removed her clothes to secure an arrest based on assurances from her supervisor that any nude footage of her would be deleted. Instead, the footage was saved and viewed by numerous male police officers. Plaintiff was placed on administrative leave when certain city administrators viewed her as too emotionally distraught to continue in her job. Once Plaintiff returned nine months later, she was reassigned to fleet vehicle management and open records units, despite her reputation as one of the best undercover vice cops in the department.

Defendants filed a renewed motion for summary judgment on qualified immunity for Plaintiff's Fourteenth Amendment Equal Protection claim brought via Section 1983 against Defendants in their individual capacities. There has been a previous denial of Defendant's Motion for Summary Judgment on Plaintiff's Title VII sexual discrimination/harassment claim, which countered Magistrate Judge Walker's recommendation of granting the motion. That R&R by Judge Walker did not sufficiently address Plaintiff's Fourteenth Amendment Equal Protection claim. As such, the previous order by the district court was the first time that the Defendants' qualified immunity defense was assessed. In that previous order, the Court noted that Defendants failed to show why each *individual* Defendant was entitled to the defense of qualified immunity, which is an individual defense and not a collective one. The Court denied that motion for summary judgment without prejudice and granted the Defendants leave to refile their motion on that limited issue. The renewed motion followed. The Court, as needed in addressing qualified immunity, detailed its previous findings that led to the denial of the motion for summary judgment on Plaintiff's Title VII hostile

work environment/sex discrimination claim. In this order, the Court denied the renewed motion here because it found that there were genuine disputes as to material fact that would permit a reasonable jury to find in favor of Plaintiff under clearly established law in this Circuit. The Court found that neither Defendant Ellis nor Defendant Kreher were availing given its conclusions on Plaintiff's Title VII claim previously. The Court then analyzed whether the Defendants were on notice of clearly established law via a two-part test: (1) whether the facts, in the light most favorable to the Plaintiff, show that the Defendants' conduct violated a constitutional right and (2) if so, whether that right was clearly established. The Court concluded, based on several cases in this Circuit, that Defendant Ellis (who disseminated the video of Plaintiff) and Defendant Kreher's (who refused to consider Plaintiff's grievance over the incidents) conduct would have been obviously unlawful to any reasonable supervisor in their position (see the linked order for greater factual detail). Accordingly, the Court denied the renewed motion for qualified immunity.