

Summary Judgment Review

Case Name: *Butler v. The Coca-Cola Company and Yu Shi*

Nature of the Order: Order

Magistrate Judge:

District Judge: Amy Totenberg

Claims & Outcomes:

1. **Claim:** Section 1981
 - a. **Outcome:** Summary Judgment Recommended
2. **Claim:** ADA
 - a. **Outcome:** Summary Judgment Recommended
3. **Claim:** Title VII Disparate Treatment (bereavement leave, denial of volunteer activities, denial of work from home, denial of lateral transfer, assignment of exit checklist duties)
 - a. **Outcome:** Summary Judgment Recommended
4. **Claim:** Title VII Retaliation
 - a. **Outcome:** Summary Judgment Recommended
5. **Claim:** Title VII Hostile Work Environment
 - a. **Outcome:** Summary Judgment Recommended
6. **Claim:** Title VII Constructive Discharge
 - a. **Outcome:** Summary Judgment Recommended
7. **Claim:** Title VII (against Yu Shi individually)
 - a. **Outcome:** Summary Judgment Recommended
8. **Claim:** IIED under state law
 - a. **Outcome:** Summary Judgment Recommended
9. **Claim:** Title VII Disparate Treatment (denial of overtime pay)
 - a. **Outcome:** Summary Judgment Not Recommended
10. **Claim:** Title VII Punitive Damages (denial of overtime pay)
 - a. **Outcome:** Summary Judgment Not Recommended
11. **Claim:** FLSA
 - a. **Outcome:** Summary Judgment Not Recommended

Whether R&R Followed: Granted in part, denied in part

For Race/Gender Discrimination Cases:

Race of Plaintiff: African American

Gender of Plaintiff: Female

Summary

Martha Lynne Butler (“Plaintiff”) worked for Coca-Cola (“Defendant”), under the supervision of Yu Shi (“Defendant Shi”). Plaintiff brought numerous claims against Defendants, stemming from facts such as a denial of overtime pay despite working after-hours at Yu Shi’s direction, solely because Defendant Shi did not trust Black people and therefore she did not trust that Plaintiff was doing the work.

Defendant objected to the denial of summary judgment on Plaintiff’s FLSA claim, arguing that the evidence showed that Coca-Cola paid Plaintiff for all hours recorded, and Plaintiff “otherwise has no evidence that Coca-Cola knew she was working off the clock.” Defendants also asserted that (1) Plaintiff had no claim for unpaid “regular time;” (2) Plaintiff’s time spent checking her phone was not compensable; (3) Plaintiff’s *de minimis* time is not compensable; and (4) Defendants are entitled to at least partial summary as to certain weeks for which Plaintiff failed to present any evidence of unpaid overtime.

The Court overruled Defendant’s objections. As to Defendant’s first assertion, the Court determined Defendant was on notice that Plaintiff worked overtime because her supervisor both had her work after-hours, excess work and also denied her overtime pay. The Court agreed that checking her phone was not compensable, but that evidence showed that Plaintiff worked on other emails for longer periods and one factor in *de minimis* analysis is aggregate compensable time worked, and that the question of whether a quantum of work is *de minimis* is generally left to the jury. As to Defendant’s second assertion, the Court agreed with the magistrate judge’s determination that the contention implicated material disputes of facts because Plaintiff disputed the accuracy and adequacy of the records Defendants propounded in support of their position that Plaintiff did not work overtime for the listed workweeks.

Defendant also objected to the magistrate judge’s finding that Plaintiff’s testimony that Defendant Yu Shi told Plaintiff that she was not going to approve her overtime hours because Yu Shi trust that she worked those hours and did not trust Black people constituted direct evidence. The Court disagreed, stating that Defendant’s statement could only be interpreted one way, that Plaintiff’s overtime request was denied because he was not trusted as a Black person.

Finally, Defendant objected to the magistrate judge’s decision to not grant summary judgment on Plaintiff’s claim for punitive damages, because Plaintiff failed to present evidence that Defendant acted with malice or reckless indifference towards Plaintiff. However, the Court agreed with the magistrate judge because Defendant had discrimination policies that Yu Shi may have been aware of and because Yu Shi is undisputedly an individual “high up in the corporate hierarchy.”