

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Simpson v. Welch

Simpson v. Welch, 900 F.2d 33 (4th Cir. 1990) · Decided April 5, 1990

SUMMARY

The Fourth Circuit held that the district court properly dismissed an employment discrimination complaint for failure to state a claim (Rule 12(b)(6)) and for failure to comply with court orders (Rule 41(b)), but vacated the award of Rule 11 sanctions. Rule 11 sanctions apply only to pre-filing conduct in signing pleadings, not to post-filing failures such as missing deadlines or failing to appear; sanctions for such conduct fall under Rule 16(f). The court emphasized that vague and conclusory allegations of discrimination—without specific facts—are insufficient to state a claim under Title VII, 42 U.S.C. §§ 1981 and 1983, and affirmed the dismissal on that basis without reaching the Eleventh Amendment issue. Key topics: employment discrimination, Rule 11 sanctions, Rule 41(b) dismissal, failure to state a claim, notice pleading, Rule 16(f).

CASE DETAILS

COURT	United States Court of Appeals for the Fourth Circuit
JURISDICTION	Federal
DECIDED	April 5, 1990
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from district court's dismissal of complaint and award of sanctions
PRECEDENTIAL VALUE	Published
PARTIES	Simpson v. Welch, City of Chesapeake

TOPICS

- employment law
- civil procedure
- motions to dismiss
- summary judgment
- appellate procedure

PRACTICE AREAS

- Employment Discrimination
- Civil Procedure
- Appellate Practice

QUESTIONS PRESENTED

1. Whether the district court properly dismissed the complaint.

2. Whether the district court properly awarded sanctions under Rule 11 of the Federal Rules of Civil Procedure.

HOLDINGS

1. The dismissal was proper because the complaint failed to state a claim upon which relief can be granted and, alternatively, under Rule 41(b) for failure to comply with court orders.
2. Rule 11 does not authorize sanctions for conduct during litigation, such as failure to comply with court orders; the sanctions award must be vacated and remanded for consideration of alternative bases.

KEY QUOTATIONS

“The Complaint contains no factual allegations whatsoever to support these charges. The plaintiff has set forth no specific incidents of discrimination, no details of promotions to which she was entitled but which she did not receive, no explanation of the forms that any alleged harassment took, no specifics regarding her claims of disparate treatment of blacks and whites. The Complaint alleges religious discrimination but fails even to state what plaintiff’s religious affiliation is, let alone how it has been the basis of any discriminatory acts. In short, the Complaint fails to allege sufficient facts to state a claim of racial or religious discrimination.” (34)

“Every pleading, motion, and other paper of a party represented by an attorney shall be signed by at least one attorney of record in the attorney’s individual name.... The signature of an attorney or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other paper; that to the best of the signer’s knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.... If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney’s fee.” (35)

*“Because the district court’s denial of relief can be affirmed on the non-constitutional ground that the complaint fails to state a claim upon which relief can be granted, we think it unnecessary to address appellant’s contention that the Eleventh Amendment does not bar her claims under 42 U.S.C. §§ 1981 and 1983. See *Ashwander v. Tennessee Valley Auth.*, 297 U.S. 288, 347, 56 S.Ct. 466, 483, 80 L.Ed. 688 (1936) (Brandeis, J., concurring).”* (37)

FACTUAL BACKGROUND

The appellant, a black employee at the Chesapeake Health Department, filed an employment discrimination suit under Title VII, 42 U.S.C. §§ 1981 and 1983. She failed to respond to motions to dismiss and for summary judgment, and her counsel failed to appear at the hearing. The district court dismissed the complaint, finding the allegations too vague and conclusory to state a claim, and also dismissed as a sanction for failure to comply with court orders. The court later awarded attorneys’ fees and costs under Rule 11.

PROCEDURAL HISTORY

The district court dismissed the complaint for failure to state a claim and for failure to comply with court orders, and awarded attorneys' fees and costs under Rule 11. The appellant moved for relief under Rule 60(b), which was denied. This appeal followed.

DISPOSITION

other

REMAND INSTRUCTIONS

Remanded for consideration of alternative bases for sanctions award, such as Rule 16(f) or 42 U.S.C. § 1988.

CASES CITED

- Settles v. Pinkerton, Inc., 482 F.Supp. 461, 468 (D.S.C. 1979)
- Feazell v. Augusta County Jail, 401 F.Supp. 405, 407 (W.D. Va. 1975)
- Patuxent Section I Corp. v. St. Mary's County Metropolitan Comm'n, 19 Fed.R. Serv.2d 1395 (4th Cir. 1975)
- Cabell v. Petty, 810 F.2d 463, 466 (4th Cir. 1987)
- Ashwander v. Tennessee Valley Auth., 297 U.S. 288, 347 (1936)

CITED IN

- Simpson v. Welch, Simpson v. Welch, 900 F.2d 33, 35 (4th Cir. 1990)
- Simpson v. Welch, Simpson v. Welch, 900 F.2d 33, 35-36 (4th Cir. 1990)
- Simpson v. Welch, Simpson v. Welch, 900 F.2d 33, 35 (4th Cir. 1990)
- Simpson v. Welch, Simpson v. Welch, 900 F.2d 33, 35 (4th Cir.)