

MASSACHUSETTS SUPREME JUDICIAL COURT

Pielech v. Massasoit Greyhound, Inc.

441 Mass. 188 (2004) · Decided March 11, 2004

SUMMARY

The Massachusetts Supreme Judicial Court held that retroactive application of a 1997 amendment to G. L. c. 151B, § 4 (1A), which expanded protection for sincerely held religious beliefs, violated the defendant’s due process rights under art. 10 of the Massachusetts Declaration of Rights and the Fourteenth Amendment. The court vacated the judgment for the plaintiffs, directed entry of judgment for the defendant, and affirmed denial of the plaintiffs’ motion to amend their complaint to add a Title VII claim.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Ireland, J.
JURISDICTION	Massachusetts
DECIDED	March 11, 2004
DISPOSITION	vacated
PROCEDURAL POSTURE	After a jury found the defendant liable for discrimination under the amended Massachusetts employment-discrimination statute, the parties cross-appealed. The Supreme Judicial Court transferred the case on its own motion.
STANDARD OF REVIEW	Constitutionality of retroactive legislation was reviewed under the due-process reasonableness and balancing framework. Denial of a motion to amend a complaint was reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Pielech, Plaintiffs v. Massasoit Greyhound, Inc.

TOPICS

- religious discrimination
- due process
- statutory interpretation
- motion to amend
- civil procedure

PRACTICE AREAS

- employment law
- civil rights
- constitutional law
- civil procedure

QUESTIONS PRESENTED

1. Whether retroactive application of the 1997 amendment to G. L. c. 151B, § 4 (1A), violated the defendant's due-process rights under the Fourteenth Amendment to the United States Constitution and art. 10 of the Massachusetts Declaration of Rights.
2. Whether the Superior Court judge abused his discretion or committed legal error by denying the plaintiffs' motion to amend their complaint to add a Title VII claim.

HOLDINGS

1. Retroactive application of the 1997 amendment violated the defendant's due-process rights under art. 10 of the Massachusetts Declaration of Rights and the Fourteenth Amendment because the amendment imposed a new and substantial employment-discrimination obligation based on sincerely held religious beliefs for conduct occurring when that obligation did not exist.
2. The Superior Court judge did not commit legal error or abuse his discretion by denying the plaintiffs' motion to amend their complaint to add a Title VII claim.

KEY QUOTATIONS

“Because we conclude that the changes to G. L. c. 151B, § 4 (1A), have a substantial effect on the defendant’s rights, retroactive application of those changes violates the defendant’s due process rights under the Fourteenth Amendment to the United States Constitution and art. 10 of Massachusetts Declaration of Rights.” (188)

“Like the statute in the St. Germaine case, the 1997 statute created a new substantial right.” (194)

“The issue is not whether there is an important public interest at stake in prohibiting discrimination against persons for their sincerely held religious beliefs — there obviously is such an interest. Rather, the issue is whether there is an important public interest in making that prohibition operate retroactively.” (195)

FACTUAL BACKGROUND

The plaintiffs were part-time employees of Massasoit Greyhound, Inc. Their employment was terminated after they refused to work a regularly scheduled shift on Christmas Day 1992, asserting that they were devout Roman Catholics whose sincerely held religious beliefs required them not to work that day. The version of G. L. c. 151B, § 4 (1A), in effect at the time protected only religious practices required by an organized religion, while a 1997 amendment extended protection to sincerely held religious beliefs and purported to apply retroactively.

PROCEDURAL HISTORY

The plaintiffs originally sued after their employment was terminated when they refused to work a Christmas Day shift for religious reasons. The Superior Court initially granted summary judgment for the defendant under the then-existing version of G. L. c. 151B, § 4 (1A); the Supreme Judicial Court held that version unconstitutional in *Pielech I*. After the Legislature amended the statute and made the amendment retroactive, the plaintiffs filed a new action and sought relief from the original judgment under Mass. R. Civ. P. 60 (b)(6). The Appeals Court reversed denial of rule 60 relief as to claims under the amended statute, the case proceeded to trial, and the jury

awarded compensatory and punitive damages. The Superior Court denied the defendant's posttrial challenge to retroactive application and denied the plaintiffs' motion to amend to add a Title VII claim.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The court vacated the judgment for the plaintiffs and directed that judgment be entered for the defendant. It affirmed the motion judge's denial of the plaintiffs' motion to amend their complaint.

CASES CITED

- Pielech v. Massasoit Greyhound, Inc., 423 Mass. 534, 536-542 (1996), cert. denied, 520 U.S. 1131 (1997)
- Opinion of the Justices, 423 Mass. 1244, 1245, 1247 (1996)
- Pielech v. Massasoit Greyhound, Inc., 47 Mass. App. Ct. 322, 324, 327-329 (1999)
- St. Germaine v. Pendergast, 416 Mass. 698, 702-704 (1993)
- Canton v. Bruno, 361 Mass. 598, 606 (1972)
- Leibovich v. Antonellis, 410 Mass. 568, 576-578 (1991)
- American Mfrs. Mut. Ins. Co. v. Commissioner of Ins., 374 Mass. 181, 189-190, 192-194 (1978)
- Kolodziej v. Smith, 412 Mass. 215, 220-221 (1992)
- Lewis v. Area II Homecare for Senior Citizens, Inc., 397 Mass. 761, 771-772 (1986)
- New York & Mass. Motor Serv., Inc. v. Massachusetts Comm'n Against Discrimination, 401 Mass. 566, 577 (1988)
- Shaughnessy v. Board of Appeals of Lexington, 357 Mass. 9, 12, 14 (1970)
- Cuzzi v. Board of Appeals of Medford, 2 Mass. App. Ct. 887 (1974)
- Loranger Constr. Corp. v. E.F. Hauserman Co., 1 Mass. App. Ct. 801 (1973)
- Harvard Law Sch. Coalition for Civil Rights v. President & Fellows of Harvard College, 413 Mass. 66, 72 (1992)