

SUPREME COURT OF MINNESOTA

Hoover v. Norwest Private Mortgage Banking

632 N.W.2d 534 (Minn. 2001) · No. C8-99-1281 · Decided September 6, 2001

SUMMARY

The Minnesota Supreme Court reviewed summary judgment in Dianne Hoover's claims under the Minnesota Human Rights Act for disability discrimination, failure to make reasonable accommodations, and reprisal. The court held that genuine issues of material fact existed regarding whether Hoover was disabled, whether Norwest knew of her need for accommodation, and whether the stated reason for her termination was pretextual. It affirmed reinstatement of the discriminatory-discharge claim, reversed dismissal of the reasonable-accommodation and reprisal claims, and remanded for further proceedings.

CASE DETAILS

|                       |                                                                                                                                                                                                                                      |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Minnesota                                                                                                                                                                                                           |
| WRITING FOR THE COURT | Page, Justice                                                                                                                                                                                                                        |
| JURISDICTION          | Minnesota                                                                                                                                                                                                                            |
| DECIDED               | September 6, 2001                                                                                                                                                                                                                    |
| DOCKET                | C8-99-1281                                                                                                                                                                                                                           |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Appeal and cross-petition for review from summary judgment entered for Norwest on Hoover's claims of discriminatory discharge, failure to provide reasonable accommodation, and reprisal under the Minnesota Human Rights Act.       |
| STANDARD OF REVIEW    | On appeal from summary judgment, the court determines whether genuine issues of material fact exist and whether the lower courts correctly applied the law, viewing the evidence in the light most favorable to the nonmoving party. |
| PRECEDENTIAL VALUE    | Published precedential opinion of the Supreme Court of Minnesota                                                                                                                                                                     |
| PARTIES               | Norwest Private Mortgage Banking, a division of Norwest Funding, Inc., Norwest Mortgage, Inc., Connie McCullough v. Dianne Hoover                                                                                                    |

TOPICS

disability discrimination

reasonable accommodation

retaliation

standard of review

appellate procedure

## PRACTICE AREAS

Employment law

Disability discrimination

Minnesota Human Rights Act

## QUESTIONS PRESENTED

1. Whether genuine issues of material fact existed as to whether Hoover was disabled under the Minnesota Human Rights Act and was discharged because of her disability.
2. Whether genuine issues of material fact existed as to whether Norwest knew of Hoover's disability-related need for loan-processing support and failed to provide a reasonable accommodation.
3. Whether Hoover engaged in statutorily protected activity by requesting work assistance tied to her fibromyalgia and whether a factual issue existed as to whether her termination was reprisal for that activity.
4. What showing of pretext is required to avoid summary judgment under the McDonnell Douglas framework.

## HOLDINGS

1. Hoover presented sufficient evidence to create genuine issues of material fact as to whether she was disabled, qualified for her position, replaced by a nondisabled person, and discharged for a reason that was pretextual and discriminatory. Summary judgment on the discriminatory discharge claim was therefore improper.
2. The evidence created a genuine issue of material fact as to whether Hoover's fibromyalgia materially limited the major life activity of working and therefore constituted a disability under the MHRA.
3. Summary judgment for Norwest on Hoover's reasonable-accommodation claim was improper because the record created genuine issues of material fact as to whether Norwest knew of her disability-related need for loan-processing support.
4. A request for work assistance is protected activity under the MHRA when the employee specifically ties the request to a disability. Hoover presented sufficient evidence of protected activity, adverse action, causation, and pretext to survive summary judgment on her reprisal claim.

## KEY QUOTATIONS

*"Thus, as we read Reeves, in order to avoid summary judgment under the McDonnell Douglas third step, the employment discrimination plaintiff must put forth sufficient evidence for the trier of fact to infer that the employer's proffered legitimate nondiscriminatory reason is not only pretext but that it is pretext for discrimination."* (632 N.W.2d at 546)

*"Standing alone, a request for assistance in performing one's job may not constitute protected activity, but when the employee specifically ties a request for work assistance to a disability, the employee engages in protected activity under the MHRA."* (632 N.W.2d at 548)

## FACTUAL BACKGROUND

Hoover worked as a private mortgage banker for Norwest from 1992 until her termination in February 1996. Before her termination, she had generally received strong performance evaluations, but after being diagnosed with fibromyalgia she experienced headaches, fatigue, pain, sleeplessness, and difficulty concentrating and repeatedly sought additional loan-processing support. Norwest conducted an unusual audit of her loan files, identified potential policy and regulatory violations, and terminated her rather than following the auditor's recommendation of additional training and oversight. Evidence indicated that other loan originators had similar compliance errors without being disciplined or terminated.

## PROCEDURAL HISTORY

Hoover sued Norwest in Hennepin County District Court, asserting negligent supervision, breach of contract, disability discrimination, failure to accommodate, and reprisal. The district court granted Norwest summary judgment on all claims. The Minnesota Court of Appeals reversed as to discriminatory discharge but affirmed as to reasonable accommodation and reprisal. The Minnesota Supreme Court affirmed reinstatement of the discriminatory discharge claim, reversed as to the accommodation and reprisal claims, and remanded for further proceedings.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

Remand to the district court for further proceedings on Hoover's discriminatory discharge, reasonable accommodation, and reprisal claims. The court affirmed the court of appeals' reinstatement of the discriminatory discharge claim and reversed its affirmance of summary judgment on the accommodation and reprisal claims.

## CASES CITED

- Cummings v. Koehnen, 568 N.W.2d 418 (Minn. 1997)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- Feges v. Perkins Restaurants, Inc., 483 N.W.2d 701 (Minn. 1992)
- Anderson v. Hunter, Keith, Marshall & Co., 417 N.W.2d 619 (Minn. 1988)
- Hasnudeen v. Onan Corp., 552 N.W.2d 555 (Minn. 1996)
- State by Cooper v. Hennepin County, 441 N.W.2d 106 (Minn. 1989)
- Sigurdson v. Carl Bolander & Sons Co., 532 N.W.2d 225 (Minn. 1995)
- Legrand v. Trustees of University of Arkansas at Pine Bluff, 821 F.2d 478 (8th Cir. 1987)
- State by Khalifa v. Hennepin County, 420 N.W.2d 634 (Minn. Ct. App. 1988)
- Miller v. Centennial State Bank, 472 N.W.2d 349 (Minn. Ct. App. 1991)
- St. Mary's Honor Center v. Hicks, 509 U.S. 502 (1993)
- Reeves v. Sanderson Plumbing Products, Inc., 530 U.S. 133 (2000)

- Fletcher v. St. Paul Pioneer Press, 589 N.W.2d 96 (Minn. 1999)
- Hubbard v. United Press International, Inc., 330 N.W.2d 428 (Minn. 1983)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)
- Camfield Tires, Inc. v. Michelin Tire Corp., 719 F.2d 1361 (8th Cir. 1983)
- Banbury v. Omnitrition International, Inc., 533 N.W.2d 876 (Minn. Ct. App. 1995)
- Merle's Construction Co. v. Berg, 442 N.W.2d 300 (Minn. 1989)

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