

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Robert I. Ridenour v. The Lawson Company, a Consolidated Foods Company

40 Fair Empl. Prac. Cas. 1455 (6th Cir. 1986) · No. 84-3962 · Decided May 21, 1986

SUMMARY

The Sixth Circuit reviewed a jury verdict for Robert I. Ridenour in an Age Discrimination in Employment Act action against The Lawson Company. The court held that Ridenour presented insufficient evidence to establish pretext for Lawson's stated nondiscriminatory reasons for declining to promote him and terminating his employment during a restructuring. The court reversed the district court's judgment; Judge Keith dissented.

CASE DETAILS

COURT	United States Court of Appeals for the Sixth Circuit
WRITING FOR THE COURT	Krupansky, Circuit Judge; Keith, Circuit Judge; Joiner, Senior District Judge, sitting by designation
JURISDICTION	Federal
DECIDED	May 21, 1986
DOCKET	84-3962
DISPOSITION	reversed
PROCEDURAL POSTURE	The employer appealed from a jury verdict and final judgment for the employee in an Age Discrimination in Employment Act action. The district court denied the employer's motions for directed verdict and judgment notwithstanding the verdict.
STANDARD OF REVIEW	The court applied the same standard applicable to the district court in reviewing a judgment notwithstanding the verdict: viewing the totality of the admissible evidence and all reasonable inferences in the light most favorable to the nonmoving party, reversal is proper only when the evidence points so strongly in favor of the movant that reasonable minds could not reach a different conclusion.
PRECEDENTIAL VALUE	Published, precedential Sixth Circuit opinion
PARTIES	The Lawson Company, a Consolidated Foods Company v. Robert I. Ridenour

TOPICS

age discrimination

employment discrimination

appellate procedure

standard of review

remedies

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the evidence, viewed in the light most favorable to Ridenour, permitted a reasonable jury to find that Lawson's refusal to promote him and subsequent discharge were motivated by age discrimination under the ADEA.
2. Whether Lawson was entitled to judgment notwithstanding the verdict because Ridenour failed to produce probative evidence that Lawson's legitimate, nondiscriminatory reasons were pretextual.
3. Whether an employer conducting an economically motivated workforce reduction had a duty to transfer Ridenour to a lower-level position.

HOLDINGS

1. Lawson was entitled to judgment notwithstanding the verdict because, even viewing the evidence and reasonable inferences in Ridenour's favor, the evidence pointed so strongly toward Lawson's legitimate, nondiscriminatory reasons that reasonable minds could not conclude that Lawson's actions were motivated by age discrimination.
2. An employer that reduces its workforce for economic reasons incurs no duty to transfer an employee to another position within the company.

KEY QUOTATIONS

"A judgment n.o.v. may be granted only if, upon viewing the totality of the admissible evidence most favorably to the party opposing the motion, a reasonable trier of fact could draw but one conclusion." (54)

"The plaintiff retains the burden of persuasion. She must now have the opportunity to demonstrate that the proffered reason was not the true reason for the employment decision." (56)

"The evidence presented to the jury, even when viewed in the light most favorable to plaintiff, points so strongly in favor of the defendant that reasonable minds could not conclude that Lawsons' actions were motivated by age discrimination." (58)

FACTUAL BACKGROUND

Lawson employed Ridenour, who was over forty, first as Southern Region Security Manager and later as Director of Security. After financial difficulties and a store-employee murder, Lawson created a new Crime and Loss Prevention Department requiring specialized crime-prevention experience; Ridenour was not selected, and the company hired a younger candidate with extensive specialized training. Lawson later eliminated Ridenour's Security Department position during a workforce reduction and discharged him, while declining to place him in a lower-paid, relocated subordinate position under its policy against demoting executives.

PROCEDURAL HISTORY

Ridenour sued Lawson under the ADEA, alleging that the company failed to promote him and later discharged him because of his age. The district court submitted the case to a jury, which awarded \$125,000, ordered reinstatement, and awarded attorney's fees. The district court denied Lawson's motion for judgment notwithstanding the verdict and alternative motion for a new trial, and Lawson appealed.

DISPOSITION

reversed

CASES CITED

- Hill v. Spiegel, Inc., 708 F.2d 233, 237 (6th Cir. 1983)
- Morelock v. NCR Corp., 586 F.2d 1096, 1104-05 (6th Cir. 1978), cert. denied, 441 U.S. 906 (1979)
- Blackwell v. Sun Electric Co., 696 F.2d 1176, 1180 (6th Cir. 1983)
- Texas Department of Community Affairs v. Burdine, 450 U.S. 248, 250 n.7, 253-56 (1981)
- Halsell v. Kimberly-Clark Corp., 683 F.2d 285 (8th Cir. 1982), cert. denied, 459 U.S. 1205 (1983)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792, 804-05 (1973)
- La Montagne v. American Convenience Products, Inc., 750 F.2d 1405, 1414-15 (7th Cir. 1984)
- LaGrant v. Gulf & Western Manufacturing Co., Inc., 748 F.2d 1087 (6th Cir. 1984)
- Sahadi v. Reynolds Chemical, 636 F.2d 1116, 1117-18 (6th Cir. 1980)
- Parcinski v. The Outlet Co., 673 F.2d 34, 37 (2d Cir. 1982)

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