

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA

Calvin Ellis Mance v. AutoZoners LLC, et al.

Mance · No. 3:25-CV-605-CCB-SJF · Decided May 19, 2026

SUMMARY

The United States District Court for the Northern District of Indiana granted AutoZoners LLC and Tracy E. Kern’s motion to dismiss claims for defamation, Title VII hostile work environment and retaliation, and intentional infliction of emotional distress. The court also denied the plaintiff’s motions for a stay and default judgment. The complaint was dismissed without prejudice, with leave to amend by June 9, 2026.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana
WRITING FOR THE COURT	Cristal C. Brisco
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	May 19, 2026
DOCKET	3:25-CV-605-CCB-SJF
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6). The plaintiff opposed the motion and also moved for a stay and default judgment. The court granted the motion to dismiss, denied the stay and default-judgment motions, dismissed the complaint without prejudice, and granted leave to amend.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, well-pleaded factual allegations are accepted as true, but the complaint must contain sufficient factual matter to state a facially plausible claim for relief. Conclusory statements, formulaic recitations of the elements, and naked assertions without supporting facts are insufficient.
PRECEDENTIAL VALUE	district court opinion; precedential status not stated
PARTIES	Calvin Ellis Mance v. AutoZoners LLC, Tracy E. Kern, et al.

TOPICS

motions to dismiss

default judgment

title vii

defamation

intentional infliction of emotional distress

PRACTICE AREAS

civil procedure

employment law

defamation

civil rights

torts

QUESTIONS PRESENTED

1. Whether Mance plausibly stated a defamation claim based on Rottinghaus's internal email, Kern's EEOC position statement, or alleged community knowledge of his termination.
2. Whether Mance plausibly stated a Title VII hostile-work-environment claim and exhausted his administrative remedies.
3. Whether Mance plausibly stated a Title VII retaliation claim under either the direct or indirect method.
4. Whether Mance plausibly stated an Indiana intentional-infliction-of-emotional-distress claim.
5. Whether Mance was entitled to a stay or default judgment against defendants.

HOLDINGS

1. Statements made in the EEOC proceeding were absolutely privileged and could not support a defamation claim against Kern or AutoZone.
2. Mance failed to state a viable defamation claim based on Rottinghaus's email because the complaint did not plausibly allege facts overcoming the qualified privilege for intracompany communications.
3. Mance failed to state a hostile-work-environment claim because he alleged only a conclusory assertion of race-based bullying and harassment and did not allege exhaustion of administrative remedies.
4. Mance failed to state a Title VII retaliation claim under either the direct or indirect method.
5. Mance failed to state an Indiana intentional-infliction-of-emotional-distress claim because the alleged conduct was not extreme and outrageous and the complaint did not plausibly allege that defendants intentionally caused the asserted injury.
6. Mance was not entitled to default judgment because defendants timely moved to dismiss by the applicable deadline.

KEY QUOTATIONS

“To survive a motion to dismiss under Rule 12(b)(6), “a complaint must contain ‘sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.’” (II)

“Mr. Mance’s complaint is DISMISSED WITHOUT PREJUDICE. He may amend his complaint to state a plausible claim by June 9, 2026.” (III)

FACTUAL BACKGROUND

Mance alleged that while employed by AutoZone, District Manager Andy Rottinghaus sent an email to two AutoZone managers stating that Mance had come to the store intoxicated and had threatened or cursed at employees. Mance also alleged that AutoZone's counsel, Tracy E. Kern, repeated related allegations in an EEOC

position statement, and that Mance was terminated on November 15, 2024. His complaint asserted defamation, a Title VII hostile work environment, Title VII retaliation, and intentional infliction of emotional distress.

PROCEDURAL HISTORY

Mance filed the complaint on July 7, 2025, asserting defamation, Title VII hostile-work-environment and retaliation claims, and intentional infliction of emotional distress. The court granted his motion to proceed in forma pauperis, defendants waived service, and defendants timely moved to dismiss. The court dismissed the complaint without prejudice and allowed amendment by June 9, 2026.

DISPOSITION

other

CASES CITED

- Tamayo v. Blagojevich, 526 F.3d 1074, 1081 (7th Cir. 2008)
- Yash Venture Holdings, LLC v. Moca Financial, Inc., 116 F.4th 651, 659 n.11 (7th Cir. 2024)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 554, 557 (2007)
- McCauley v. City of Chicago, 671 F.3d 611, 616 (7th Cir. 2012)
- E.E.O.C. v. Concentra Health Services, Inc., 496 F.3d 773, 776 (7th Cir. 2007)
- Neff v. Wal-Mart Stores East, LP, 113 N.3.3d 666, 674 (Ind. Ct. App. 2018)
- Abbott v. Individual Support Home Health Agency, Inc., 148 N.E.3d 1091, 1094, 1097 (Ind. Ct. App. 2020)
- Hartman v. Keri, 883 N.E.2d 774, 777 (Ind. 2008)
- Bals v. Verduzco, 600 N.E.2d 1353, 1356 (Ind. 1992)
- Scaife v. United States Department of Veterans Affairs, 49 F.4th 1109, 1115-16 (7th Cir. 2022)
- Anderson v. United Airlines, Inc., 140 F.4th 385, 390 (7th Cir. 2025)
- Boston v. United States Steel Corp., 816 F.3d 455, 464 (7th Cir. 2016)
- Cullison v. Medley, 570 N.E.2d 27, 31 (Ind. 1991)
- Hoskins v. Poelstra, 320 F.3d 761, 763 (7th Cir. 2003)