

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Elizabeth Graham v. Bristol Hospice Holdings, Inc.

Graham · No. 2:21-CV-00754-TS-DBP · Decided January 30, 2026

SUMMARY

The United States District Court for the District of Utah denied Bristol Hospice Holdings, Inc.’s Rule 50 motion for judgment as a matter of law on Elizabeth Graham’s Title VII retaliation claim and punitive damages. The court held that sufficient evidence supported a reasonable jury finding that Graham’s termination was caused by protected activity and that the employer acted with the requisite knowledge of Title VII requirements. The court also granted Graham’s motion concerning the Kolstad defense, finding insufficient evidence to support instructing the jury on that defense.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	Ted Stewart
JURISDICTION	United States District Court for the District of Utah
DECIDED	January 30, 2026
DOCKET	2:21-CV-00754-TS-DBP
DISPOSITION	other
PROCEDURAL POSTURE	During a jury trial, Defendant moved under Federal Rule of Civil Procedure 50 for judgment as a matter of law on Plaintiff's Title VII retaliation claim and punitive damages. Plaintiff moved concerning application of the Kolstad good-faith defense. The court orally denied Defendant's motion and granted Plaintiff's motion, then issued this memorandum decision and order explaining those rulings.
STANDARD OF REVIEW	Under Rule 50, the court reviews all evidence in the record, draws all reasonable inferences in favor of the nonmoving party, and may not make credibility determinations or weigh the evidence. Judgment as a matter of law is proper only when the evidence permits only one conclusion and there is no legally sufficient evidentiary basis for the opposing party's position.
PRECEDENTIAL VALUE	Unpublished district court memorandum decision and order; persuasive rather than precedential.
PARTIES	Bristol Hospice Holdings, Inc. v. Elizabeth Graham

TOPICS

retaliation

title vii

damages

motion for directed verdict

civil procedure

PRACTICE AREAS

employment law

civil rights

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether Bristol Hospice was entitled to judgment as a matter of law on Graham's Title VII retaliation claim.
2. Whether Bristol Hospice was entitled to judgment as a matter of law on punitive damages.
3. Whether the jury should be instructed on the Kolstad good-faith defense to punitive damages.

HOLDINGS

1. Judgment as a matter of law was not warranted because the evidence, viewed in Graham's favor, would permit a reasonable jury to find that her protected activity was the but-for cause of her termination.
2. Judgment as a matter of law was not warranted on punitive damages because sufficient evidence would permit a reasonable jury to find that Bristol Hospice acted with malice or reckless indifference to Graham's federally protected rights.
3. The Kolstad good-faith defense was unavailable on the evidence and should not be submitted to the jury.

KEY QUOTATIONS

“Judgment as a matter of law is appropriate “only if the evidence points but one way and is susceptible to no reasonable inferences which may support the opposing party’s position.””

“A Title VII plaintiff is entitled to punitive damages if his employer engaged in discriminatory practices ‘with malice or with reckless indifference to [her] federally protected rights.’”

“The Kolstad good-faith defense prescribes that “in the punitive damages context, an employer may not be vicariously liable for the [violative] decisions of managerial agents where th[o]se decisions are contrary to the employer’s good faith efforts to comply with Title VII.””

FACTUAL BACKGROUND

Graham engaged in protected activity by supporting another employee's discrimination charge and later filing her own charge against her supervisor, Michelle Wertz, and another employee. She was terminated on July 13, 2018, shortly after withdrawing her charge, purportedly for failing to train a new employee and dishonesty. At trial, Graham presented evidence that Bristol Hospice ordinarily used progressive discipline, that she was not allowed to respond to the allegations, that she had received positive evaluations, and that the stated reasons for termination were false. Wertz, a senior human-resources executive, made the termination decision and had final authority over the company's antidiscrimination and retaliation policies.

PROCEDURAL HISTORY

Graham sued Bristol Hospice Holdings, Inc. for retaliation under Title VII. At the conclusion of both parties' cases in a jury trial, the defendant moved for judgment as a matter of law on liability and punitive damages, while Graham sought to preclude the Kolstad defense. The district court denied the defendant's Rule 50 motion and granted Graham's motion regarding the defense, leaving liability and punitive damages for the jury.

DISPOSITION

other

CASES CITED

- Reeves v. Sanderson Plumbing Products, Inc., 530 U.S. 133, 150 (2000)
- Finley v. United States, 82 F.3d 966, 968 (10th Cir. 1996)
- Q.E.R., Inc. v. Hickerson, 880 F.2d 1178, 1180 (10th Cir. 1989)
- Baty v. Willamette Industries, Inc., 172 F.3d 1232, 1241 (10th Cir. 1999)
- Harolds Stores, Inc. v. Dillard Department Stores, 82 F.3d 1533, 1546-47 (10th Cir. 1996)
- Kendrick v. Penske Transportation Services, Inc., 220 F.3d 1220, 1234 (10th Cir. 2000)
- Zisumbo v. Ogden Regional Medical Center, 801 F.3d 1185, 1201 (10th Cir. 2015)
- Kolstad v. American Dental Association, 527 U.S. 526, 535-36, 542, 545 (1999)
- Deters v. Equifax Credit Information Services, Inc., 202 F.3d 1262, 1269, 1271 (10th Cir. 2000)
- Flitton v. Primary Residential Mortgage, 238 F. App'x 410, 420 (10th Cir. 2007)
- EEOC v. Heartway Corp., 466 F.3d 1156, 1169 (10th Cir. 2006)
- McGinnis v. Fairfield Communities, Inc., 458 F.3d 1129, 1137-38 (10th Cir. 2006)