

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Sotomayor v. City of New York

713 F.3d 163 (2d Cir. 2013) · No. 12-2319-cv · Decided April 11, 2013

SUMMARY

The United States Court of Appeals for the Second Circuit affirmed summary judgment dismissing Gladys Sotomayor's claims of employment discrimination and retaliation under federal, New York State, and New York City law, as well as her Family and Medical Leave Act claim. The court concluded that, even assuming the defendants' conduct constituted an adverse employment action, no reasonable jury could find that it was motivated by discriminatory or retaliatory animus.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	Per Curiam; Winter; Chin; Droney
JURISDICTION	Federal
DECIDED	April 11, 2013
DOCKET	12-2319-cv
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from a judgment of the United States District Court for the Eastern District of New York granting defendants' motion for summary judgment and dismissing her employment discrimination, retaliation, and FMLA claims.
STANDARD OF REVIEW	De novo review of a grant of summary judgment, construing the evidence and drawing all reasonable inferences in favor of the nonmoving party.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Gladys Sotomayor v. City of New York, New York City Department of Education, Fred Walsh, Jeanette Smith

TOPICS

- employment discrimination
- retaliation
- age discrimination
- racial discrimination
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court properly granted summary judgment on Sotomayor's employment-discrimination claims under federal, New York State, and New York City law.
2. Whether the record supported Sotomayor's retaliation claims, including claims based on her filing a notice of claim, filing an EEOC charge, and commencing the action.
3. Whether the district court properly dismissed Sotomayor's FMLA claim.

HOLDINGS

1. The district court properly granted summary judgment for defendants and dismissed Sotomayor's employment-discrimination claims.
2. Even assuming defendants' actions constituted an adverse employment action, no reasonable jury could find that the actions were motivated by retaliatory animus.
3. Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.

KEY QUOTATIONS

"Summary judgment is appropriate only when 'there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.'" (713 F.3d at 164)

FACTUAL BACKGROUND

Gladys Sotomayor was a fifty-six-year-old Hispanic woman who had worked as a New York City schoolteacher since 1999. Beginning in the 2007-2008 school year, defendants reprimanded her, increased classroom observations, evaluated her performance negatively, and assigned her less desirable duties. Sotomayor alleged that these actions were motivated by age, race, national-origin, and retaliatory animus, while defendants attributed them to performance and behavioral problems.

PROCEDURAL HISTORY

Sotomayor, a New York City schoolteacher, sued under federal, New York State, and New York City employment-discrimination laws and the FMLA. After discovery, defendants moved for summary judgment. The district court granted the motion on May 24, 2012, and dismissed all claims; the Second Circuit conducted de novo review and affirmed.

DISPOSITION

affirmed

CASES CITED

- *McBride v. BIC Consumer Prods. Mfg. Co.*, 583 F.3d 92, 96 (2d Cir. 2009)

- Sotomayor v. City of N.Y., 862 F. Supp. 2d 226 (E.D.N.Y. 2012)
- Terry v. Ashcroft, 336 F.3d 128, 140-41 (2d Cir. 2003)
- Torres v. Pisano, 116 F.3d 625, 629 n.1 (2d Cir. 1997)

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