

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Mark Anthony v. DAS Companies, Inc.

Anthony · No. 1:23-CV-2041 · Decided December 10, 2025

SUMMARY

The United States District Court for the Middle District of Pennsylvania grants DAS Companies, Inc.'s motion for summary judgment in Mark Anthony's claims alleging age and disability discrimination under the ADEA, ADA, and PHRA. The court concludes that DAS presented legitimate, nondiscriminatory reasons for terminating Anthony during a company restructuring and that he failed to produce sufficient evidence of pretext.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Keli M. Neary
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	December 10, 2025
DOCKET	1:23-CV-2041
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought claims under the ADEA, ADA, and PHRA alleging that DAS Companies terminated him because of his age and disability. Defendant moved for summary judgment after discovery and briefing were completed.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court viewed the evidence in the light most favorable to the nonmoving party and considered whether a reasonable jury could find for Anthony.
PRECEDENTIAL VALUE	unpublished district court memorandum

TOPICS

- age discrimination
- disability discrimination
- ada / disability
- summary judgment
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether DAS was entitled to summary judgment on Anthony's ADEA and PHRA age-discrimination claims because Anthony failed to present evidence that DAS's legitimate, nondiscriminatory reasons for terminating him were pretextual.
2. Whether DAS was entitled to summary judgment on Anthony's ADA and PHRA disability-discrimination claims because Anthony failed to present evidence of discriminatory pretext or a causal connection between his disability and termination.
3. Whether the undisputed evidence of a broad restructuring and contemporaneous termination of employees of various ages and disability statuses defeated Anthony's discrimination claims.

HOLDINGS

1. DAS was entitled to summary judgment because, assuming without deciding that Anthony established a prima facie case, he failed to produce evidence from which a reasonable jury could find that DAS's stated reasons for his termination were pretextual.
2. DAS was entitled to summary judgment on Anthony's disability-discrimination claims because Anthony failed to present evidence establishing that DAS's restructuring rationale was pretextual or that his disability caused his termination.
3. A nonmoving party cannot avoid summary judgment through allegations, speculation, or a mere scintilla of evidence; the party must identify specific evidence supporting a genuine dispute of material fact.

KEY QUOTATIONS

"The question is not whether the employer made the best, or even a sound, business decision; it is whether the real reason is [discrimination]."

"The mere existence of a scintilla of evidence in support of the plaintiff's position will be insufficient; there must be evidence on which the jury could reasonably find for the plaintiff."

"Accordingly, DAS's motion for summary judgment will be granted."

FACTUAL BACKGROUND

DAS hired Mark Anthony in July 2019 as Director of Purchasing, General Merchandise. Anthony disclosed his Parkinson's disease to a supervisor in December 2021 and experienced hand tremors, but he testified that he heard no negative comments about his disability or age. After learning of declining company profits, David Abel returned as CEO in June 2022 and initiated a broad restructuring that eliminated positions and resulted in layoffs of employees of different ages. DAS terminated Anthony on August 5, 2022; Anthony alleged that the termination was motivated by age and disability discrimination, relying primarily on temporal proximity and a statement asking whether he was the person with "the shaking."

PROCEDURAL HISTORY

DAS terminated Anthony on August 5, 2022, after undertaking a company-wide restructuring and layoffs. Anthony filed suit alleging age and disability discrimination under federal and Pennsylvania law. The district court granted DAS's motion for summary judgment, concluding that Anthony failed to present evidence from which a reasonable jury could find that DAS's stated restructuring and performance-related reasons were pretextual.

DISPOSITION

other

CASES CITED

- *Mall Chevrolet, Inc. v. General Motors LLC*, 99 F.4th 622, 630-31 (3d Cir. 2024)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 242-43, 248, 252, 256 (1986)
- *Tolan v. Cotton*, 572 U.S. 650, 657 (2014)
- *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 157 (1970)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986)
- *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986)
- *Scott v. Harris*, 550 U.S. 372, 380 (2007)
- *Weitzner v. Sanofi Pasteur Inc.*, 909 F.3d 604, 613-14 (3d Cir. 2018)
- *Cevdet Aksut Ogullari Koll. Sti v. Cavusoglu*, No. CV 2:14-3362, 2018 WL 585541, at *3 (D.N.J. Jan. 29, 2018)
- *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802-03 (1973)
- *Morgan v. Allison Crane & Rigging LLC*, 114 F.4th 214, 220 n.21 (3d Cir. 2024)
- *Willis v. UPMC Children's Hosp. of Pittsburgh*, 808 F.3d 638, 643-45 (3d Cir. 2015)
- *Burton v. Teleflex, Inc.*, 707 F.3d 417, 426 (3d Cir. 2013)
- *Tomasso v. Boeing Co.*, 445 F.3d 702, 707 (3d Cir. 2006)
- *Fuentes v. Perskie*, 32 F.3d 759, 764 (3d Cir. 1994)
- *Simpson v. Kay Jewelers, Div. of Sterling, Inc.*, 142 F.3d 639, 645 (3d Cir. 1998)
- *Keller v. Orix Credit All., Inc.*, 130 F.3d 1101, 1109 (3d Cir. 1997)
- *Carson v. Bethlehem Steel Corp.*, 82 F.3d 157, 159 (7th Cir. 1996)
- *Porter v. Merakey USA*, No. 22-2986, 2024 WL 3581169, at *1, *3 (3d Cir. July 30, 2024)
- *Hanafy v. Hill International, Inc.*, 669 F. Supp. 3d 419, 443 (W.D. Pa. 2023)

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