

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Myneca Y. Ojo; Karen Ann Crosby; Sandra Harrison; and Carolyn
Dow v. Brew Vino LLC; Steve Chronister; Marc Bower; Jordan Lyle
Chronister; Brian Polachek; and John Doe

Ojo v. Brew Vino LLC · No. 1:20cv661 · Decided March 25, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania reviewed objections to a magistrate judge’s report and recommendation concerning summary judgment in a civil rights action arising from alleged racial and gender discrimination at a golf course. The court held that individual defendants may be liable under 42 U.S.C. §§ 1981 and 2000a when personally involved in discriminatory conduct, and found genuine disputes of material fact regarding that involvement. The court overruled the objections, adopted the report and recommendation, denied the motion for summary judgment, dismissed the unidentified John Doe defendant, and directed that the matter proceed toward trial.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Julia K. Munley
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	March 25, 2026
DOCKET	1:20cv661
DISPOSITION	other
PROCEDURAL POSTURE	Defendants objected to a magistrate judge's report and recommendation concerning defendants' motion for summary judgment. The district court conducted de novo review, adopted the report and recommendation, denied summary judgment on the plaintiffs' 42 U.S.C. §§ 1981 and 2000a claims, and dismissed the unidentified John Doe defendant under Federal Rule of Civil Procedure 21.
STANDARD OF REVIEW	The district court reviewed the objected-to portions of the magistrate judge's report and recommendation de novo under 28 U.S.C. § 636(b)(1)(C). Summary judgment was proper only if there was no genuine

	dispute of material fact and the moving party was entitled to judgment as a matter of law. Disputed facts and reasonable inferences were viewed in the light most favorable to the nonmoving plaintiffs, and the court could not weigh evidence or make credibility determinations.
PRECEDENTIAL VALUE	Nonprecedential district court memorandum; precedential status is listed as unknown in the supplied metadata.
PARTIES	Brew Vino LLC, Steve Chronister, Marc Bower, Jordan Lyle Chronister, Brian Polachek, John Doe v. Myneca Y. Ojo, Karen Ann Crosby, Sandra Harrison, Carolyn Dow

TOPICS

civil rights summary judgment statutory interpretation civil procedure remedies

PRACTICE AREAS

civil rights federal civil procedure statutory interpretation public accommodations summary judgment

QUESTIONS PRESENTED

1. Whether individual employees, officers, or agents may be held liable under 42 U.S.C. § 1981 for personally participating in, intentionally causing, authorizing, directing, or participating in racial discrimination affecting contractual rights.
2. Whether 42 U.S.C. § 2000a permits an action for injunctive relief against individual employees or agents of a place of public accommodation.
3. Whether genuine disputes of material fact concerning the individual defendants' personal involvement precluded summary judgment on the Sections 1981 and 2000a claims.
4. Whether the unidentified John Doe defendant should be dismissed after discovery closed without plaintiffs identifying the defendant.

HOLDINGS

1. An individual director, officer, agent, or employee may be liable under Section 1981 when the individual was personally involved in the discrimination, intentionally caused the company to infringe the plaintiff's Section 1981 rights, or authorized, directed, or participated in the discriminatory conduct. Liability may attach whether or not the individual acted within the scope of employment and whether or not the corporation is also liable.
2. Section 2000a permits suits for injunctive relief against individual employees or agents of a place of public accommodation; the statute does not shield individual employees from liability merely because the available relief is injunctive.
3. Summary judgment was inappropriate because genuine disputes of material fact existed concerning the defendants' discriminatory intent and personal involvement in the alleged conduct.

4. The John Doe defendant was dismissed under Federal Rule of Civil Procedure 21 because discovery had closed and plaintiffs had not identified the defendant, so claims against that unidentified party could not proceed to trial.

KEY QUOTATIONS

“At this stage, the judge's function is not “to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial.”” (8)

“Liability under Section 1981 attaches regardless of whether the individual defendant acted within or outside the scope of his employment so long as the individual was personally involved in the discrimination, intentionally caused the company to infringe upon the plaintiffs Section 1981 rights, or authorized, directed, or participated in the discriminatory conduct.” (12)

“The plain language of the pertinent sections of Title II of the Civil Rights Act of 1964 does not evince Congress's intent to shield individual employees from liability.” (15)

“Where a plaintiff has had a reasonable opportunity to conduct discovery ascertain the identity of a John Doe defendant but has failed to do so, dismissal of the John Doe defendant is appropriate.” (17)

FACTUAL BACKGROUND

Four African-American women with three-year memberships were playing golf at the Grandview Golf Course in York County, Pennsylvania. During the round, Brew Vino personnel repeatedly instructed them to speed up, directed them to leave, made two 911 calls, and allegedly interfered with their golf cart and membership refunds. The plaintiffs alleged that these actions were motivated by racial and gender discrimination, while defendants asserted that they were attempting to address the plaintiffs' pace of play. The record contained disputed evidence concerning the individual defendants' participation and authority.

PROCEDURAL HISTORY

Ojo and Crosby initially filed this civil rights action, and Harrison and Dow filed a related action. The two matters were consolidated on January 28, 2022. Defendants moved for summary judgment in May 2023. After an initial report and recommendation was adopted and supplemental briefing was ordered on individual liability under Sections 1981 and 2000a, Magistrate Judge Phillip J. Caraballo issued a second report and recommendation recommending denial of summary judgment on those claims. The district court overruled defendants' objections, adopted the report and recommendation, denied summary judgment, dismissed John Doe, and scheduled a pretrial conference.

DISPOSITION

other

CASES CITED

- Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241, 250 (1964)
- Daniels v. Sch. Dist. of Philadelphia, 776 F.3d 181, 187 (3d Cir. 2015)

- Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983)
- Henderson v. Carlson, 812 F.2d 874, 877 (3d Cir. 1987)
- Reedy v. Evanson, 615 F.3d 197, 210 (3d Cir. 2010)
- Mall Chevrolet, Inc. v. Gen. Motors LLC, 99 F.4th 622, 631 (3d Cir. 2024)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-49 (1986)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)
- Peterson v. Lehigh Valley Dist. Council, United Bhd. of Carpenters & Joiners, 676 F.2d 81, 84 (3d Cir. 1982)
- Big Apple BMW, Inc. v. BMW of N. Am., Inc., 974 F.2d 1358, 1363 (3d Cir. 1992)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-24, 332 (1986)
- Daubert v. NRA Grp., LLC, 861 F.3d 382, 391 (3d Cir. 2017)
- Anchorage Assocs. v. Virgin Islands Bd. of Tax Rev., 922 F.2d 168, 175 (3d Cir. 1990)
- Brown v. Philip Morris Inc., 250 F.3d 789, 796-97 (3d Cir. 2001)
- Burns v. SeaWorld Parks & Ent., Inc., No. CV 22-2941, 2024 WL 1660514, at *8-14 (E.D. Pa. Apr. 17, 2024)
- Shumate v. Twin Tier Hosp., LLC, 655 F. Supp. 2d 521, 528, 532, 537 (M.D. Pa. 2009)
- Mahone v. Waddle, 564 F.2d 1018, 1030 (3d Cir. 1977)
- Runyon v. McCrary, 427 U.S. 160, 168-70 & n.8, 190 (1976)
- Jones v. Alfred H. Mayer Co., 392 U.S. 409, 427-28 (1968)
- Rotkiske v. Klemm, 589 U.S. 8, 14 (2019)
- Hartman v. Bank of New York Mellon, 650 F. App'x 89, 92 (3d Cir. 2016)
- Newman v. Piggie Park Enters., Inc., 390 U.S. 400, 402 (1968)
- Datto v. Harrison, 664 F. Supp. 2d 472, 492 (E.D. Pa. 2009)
- Hindes v. F.D.I.C., 137 F.3d 148, 155 (3d Cir. 1998)
- Scheetz v. Morning Call, Inc., 130 F.R.D. 34, 36-37 (E.D. Pa. 1990)
- Avenatti v. Fox News Network LLC, 41 F.4th 125, 130 (3d Cir. 2022)
- Blakeslee v. Clinton Cnty., 336 F. App'x 248, 250 (3d Cir. 2009)