

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Stephanie Spears v. Thermo Fisher Scientific

Spears v. Thermo Fisher Scientific · No. 22-2454-DDC · Decided May 28, 2026

SUMMARY

The United States District Court for the District of Kansas grants Thermo Fisher Scientific’s motion for summary judgment against Stephanie Spears. The court rejects or finds unsupported her claims involving race, sex, and national-origin discrimination, retaliation, failure to promote, termination, and Equal Pay Act violations.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Daniel D. Crabtree
JURISDICTION	United States District Court for the District of Kansas
DECIDED	May 28, 2026
DOCKET	22-2454-DDC
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment on all claims arising from alleged race, sex, and national-origin discrimination, retaliation, and unequal pay. The district court granted the motion and entered judgment against plaintiff on all claims.
STANDARD OF REVIEW	Summary judgment is appropriate when no genuine dispute of material fact exists and the movant is entitled to judgment as a matter of law. The court viewed the evidence and drew reasonable inferences in favor of the nonmoving party, but required the nonmoving party to identify specific record evidence establishing a genuine issue for trial.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; persuasive but not generally precedential.
PARTIES	Stephanie Spears v. Thermo Fisher Scientific

TOPICS

- employment discrimination
- title vii
- retaliation
- wage and hour
- summary judgment

PRACTICE AREAS

employment law

civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether Spears could add a national-origin discrimination claim for the first time in the pretrial order.
2. Whether Title VII and § 1981 failure-to-promote claims were barred by applicable statutes of limitations.
3. Whether Spears produced evidence that Thermo Fisher's legitimate reasons for rejecting her promotion applications were pretextual.
4. Whether Spears produced evidence that her termination was motivated by race or sex discrimination.
5. Whether denial of remote-work requests or placement on a performance improvement plan constituted actionable retaliation and was causally connected to protected activity.
6. Whether Spears established a prima facie Equal Pay Act claim by showing that she performed substantially equal work to higher-paid male employees.

HOLDINGS

1. A plaintiff may not add a new discrimination theory for the first time in a pretrial order without satisfying the applicable amendment requirements, including good cause after expiration of the scheduling-order deadline.
2. Title VII bars Spears's claims based on employment decisions occurring more than 300 days before her November 5, 2021 EEOC charge.
3. A § 1981 failure-to-promote claim is subject to a two-year limitations period when the sought promotion would have created a new and distinct contractual relationship, and a four-year period under 28 U.S.C. § 1658 when the claim depends on the post-1991 expansion of § 1981.
4. Spears failed to establish that Thermo Fisher's stated reasons for not selecting her— principally that other candidates were better qualified—were pretextual.
5. Spears failed to produce evidence that Thermo Fisher's stated reason for terminating her—failure to meet the requirements of her performance improvement plan—was pretextual.
6. On the facts presented, denial of Spears's requests to work remotely was not a materially adverse employment action sufficient to support a Title VII or § 1981 retaliation claim.
7. Spears failed to establish a causal connection between protected activity and placement on the performance improvement plan.
8. Spears failed to establish an Equal Pay Act prima facie case because she did not produce evidence that she performed substantially equal work to higher-paid male employees.

KEY QUOTATIONS

“Plaintiff can’t shoulder this burden because she simply doesn’t try.” (III.B.2)

“The court grants defendant’s Motion for Summary Judgment (Doc. 138).” (IV)

FACTUAL BACKGROUND

Stephanie Spears, an African American woman, worked for Thermo Fisher from 2005 until her discharge on October 6, 2022. She held a Product Management Specialist III and Global Brand Manager position, applied unsuccessfully for multiple internal positions, and repeatedly sought permission to work remotely rather than report to the Lenexa, Kansas site. After documented performance concerns, including missed deadlines, incomplete projects, and communication problems, Thermo Fisher placed her on a performance improvement plan in May 2022 and terminated her after she failed to meet its requirements.

PROCEDURAL HISTORY

Spears sued her former employer under Title VII, 42 U.S.C. § 1981, and the Equal Pay Act. The pretrial order added a national-origin discrimination theory that had not appeared in the pleadings or EEOC charge. After considering the summary-judgment record and the parties' briefing, the court denied the attempted late amendment and granted Thermo Fisher summary judgment on all remaining claims.

DISPOSITION

other

CASES CITED

- Cross v. Home Depot, 390 F.3d 1283, 1288-90 (10th Cir. 2004)
- Ibarra v. Lee, 2023 WL 6939236, at *3 (10th Cir. Oct. 20, 2023)
- L. Co. v. Mohawk Constr. & Supply Co., 577 F.3d 1164, 1169 (10th Cir. 2009)
- Franks v. Nimmo, 796 F.2d 1230, 1237 (10th Cir. 1986)
- Carbajal v. St. Anthony Cent. Hosp., 2015 WL 3896902, at *3 n.7 (D. Colo. June 23, 2015)
- Coleman v. Blue Cross Blue Shield of Kan., Inc., 287 F. App'x 631, 635 (10th Cir. 2008)
- Scott v. Harris, 550 U.S. 372, 378 (2007)
- Nahno-Lopez v. Houser, 625 F.3d 1279, 1283 (10th Cir. 2010)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-49 (1986)
- Adler v. Wal-Mart Stores, Inc., 144 F.3d 664, 670-71 (10th Cir. 1998)
- Kannady v. City of Kiowa, 590 F.3d 1161, 1169 (10th Cir. 2010)
- Trainor v. Apollo Metal Specialties, Inc., 318 F.3d 976, 979 (10th Cir. 2002)
- Sigmon v. CommunityCare HMO, Inc., 234 F.3d 1121, 1125 (10th Cir. 2000)
- Jenkins v. Wood, 81 F.3d 988, 990 (10th Cir. 1996)
- Celotex Corp. v. Catrett, 477 U.S. 317, 324, 327 (1986)
- Khalik v. United Air Lines, 671 F.3d 1188, 1192 (10th Cir. 2012)
- Aramburu v. Boeing Co., 112 F.3d 1398, 1410 (10th Cir. 1997)
- Bekkem v. Wilkie, 915 F.3d 1258, 1267 (10th Cir. 2019)

- *Guy v. McDonough*, 2021 WL 3854764, at *2 (10th Cir. Aug. 30, 2021)
- *Morgan v. Hilti, Inc.*, 108 F.3d 1319, 1323 (10th Cir. 1997)
- *Montes v. Vail Clinic, Inc.*, 497 F.3d 1160, 1173 (10th Cir. 2007)
- *Perry v. Woodward*, 199 F.3d 1126, 1141 n.13 (10th Cir. 1999)
- *Walkingstick Dixon v. Oklahoma ex rel. Reg'l Univ. Sys. of Okla. Bd. of Regents*, 125 F.4th 1321, 1335, 1339 (10th Cir. 2025)
- *United States v. Moya*, 5 F.4th 1168, 1192 (10th Cir. 2021)
- *Sawyers v. Norton*, 962 F.3d 1270, 1286 (10th Cir. 2020)
- *Bush v. La. Homecare of Miss-Lou*, 2025 WL 1873001, at *4 (W.D. La. July 7, 2025)
- *Ray v. N.Y. State Ins. Fund*, 2018 WL 3475467, at *11 (S.D.N.Y. July 18, 2018)
- *Stephens v. City of Topeka*, 33 F. Supp. 2d 947, 962 (D. Kan. 1999), *aff'd*, 189 F.3d 478, 1999 WL 668364 (10th Cir. 1999)
- *Goodman v. Lukens Steel Co.*, 482 U.S. 656, 660 (1987)
- *Rivers v. Roadway Express*, 511 U.S. 298, 303 (1994)

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