

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ALABAMA, NORTHEASTERN DIVISION

Rowan v. Blue Origin Alabama, LLC

Rowan · No. 5:23-cv-00055-MHH · Decided March 4, 2026

SUMMARY

The United States District Court for the Northern District of Alabama grants Blue Origin Alabama, LLC’s motion for summary judgment in David Rowan’s ADEA age-discrimination action. The court holds that Rowan did not timely file suit after receiving adequate electronic notice that the EEOC had closed his charge and that his second EEOC charge did not toll or extend the filing period. The court therefore does not reach the merits of the discrimination claims.

CASE DETAILS

COURT	United States District Court for the Northern District of Alabama, Northeastern Division
WRITING FOR THE COURT	Deline Hughes Haikala
JURISDICTION	United States District Court for the Northern District of Alabama
DECIDED	March 4, 2026
DOCKET	5:23-cv-00055-MHH
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment on plaintiff's ADEA age-discrimination claims based principally on untimely filing of the federal complaint after EEOC notice of the right to sue.
STANDARD OF REVIEW	Summary judgment must be granted when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The evidence must be viewed in the light most favorable to the nonmoving party, reasonable inferences must be drawn in that party's favor, and the court may not make credibility determinations. The party opposing summary judgment must identify particular record materials establishing a genuine dispute.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive only
PARTIES	David Rowan v. Blue Origin Alabama, LLC

TOPICS

age discrimination

summary judgment

statute of limitations

employment law

civil procedure

PRACTICE AREAS

employment law

age discrimination

civil procedure

QUESTIONS PRESENTED

1. Whether Rowan filed his ADEA lawsuit within 90 days after receiving adequate notice that the EEOC had dismissed or closed his charge.
2. Whether the EEOC's September 28 and October 6 email notifications and portal activity provided adequate notice to start the ADEA's 90-day filing period.
3. Whether Rowan's second EEOC charge tolled or otherwise revived the 90-day deadline for filing his federal lawsuit.
4. Whether summary judgment was appropriate where Rowan failed to establish timely filing.

HOLDINGS

1. Adequate notice that the EEOC had closed the administrative proceeding can start the ADEA's 90-day filing period even before the claimant actually views the right-to-sue letter. Rowan had adequate notice no later than October 6, 2022, when the EEOC notified him that his closure notice was available for download.
2. Rowan's January 13, 2023 complaint was untimely because the 90-day period began no later than October 6, 2022 and expired on January 4, 2023.
3. Rowan's second EEOC charge did not toll or revive the 90-day filing period because the EEOC treated it as a duplicate and Rowan produced no notice of intent to reconsider that would vacate the original right-to-sue letter.

KEY QUOTATIONS

“The 90-day period for filing a complaint of discrimination against an employer begins when an employee “has adequate notice that the EEOC has dismissed” his EEOC charge.”

“Because Mr. Rowan did not timely file his lawsuit, the Court does not reach the parties’ arguments on the merits of his claims.”

FACTUAL BACKGROUND

Rowan, who was over 60 and had more than 30 years of experience as a machinist and CNC programmer, applied for 15 positions with Blue Origin between 2020 and 2022 and was not selected. He filed an EEOC charge on September 23, 2022, and the EEOC issued a right-to-sue notice on September 28, 2022. The EEOC sent email notifications that documents were available for download, including a specific October 6 notice concerning the closure document, and Rowan filed this lawsuit on January 13, 2023. Rowan later filed a second EEOC charge, which the EEOC treated as duplicative and consolidated with the first.

PROCEDURAL HISTORY

Rowan applied unsuccessfully for multiple positions with Blue Origin and filed an age-discrimination charge with the EEOC. The EEOC issued a right-to-sue notice and later treated a second charge as duplicative and consolidated it with the first. Rowan filed this action on January 13, 2023. The district court granted Blue Origin's motion for summary judgment, concluding that Rowan had adequate notice of the EEOC's closure of his administrative proceeding by October 6, 2022, making his complaint untimely.

DISPOSITION

other

CASES CITED

- *White v. Beltram Edge Tool Supply, Inc.*, 789 F.3d 1188, 1191 (11th Cir. 2015)
- *United States v. Stein*, 881 F.3d 853, 857 (11th Cir. 2018)
- *Feliciano v. City of Miami Beach*, 707 F.3d 1244, 1252-53 (11th Cir. 2013)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986)
- *Lujan v. National Wildlife Federation*, 497 U.S. 871, 888 (1990)
- *Kerr v. McDonald's Corp.*, 427 F.3d 947, 947-54 (11th Cir. 2005) (per curiam)
- *Green v. Union Foundry Co.*, 281 F.3d 1229, 1233-34 (11th Cir. 2002)
- *Zillyette v. Capital One Financial Corp.*, 179 F.3d 1337, 1340 (11th Cir. 1999)
- *Franks v. Bowman Transportation Co.*, 495 F.2d 398, 404 (5th Cir. 1974), rev'd on other grounds, 424 U.S. 747 (1976)
- *Santini v. Cleveland Clinic Florida*, 232 F.3d 823, 825 (11th Cir. 2000)
- *Singh v. Infotech Prism, LLC*, No. 1:23-cv-2250-ELR-JKL, 2023 U.S. Dist. LEXIS 227803, at *16-*19 (N.D. Ga. Dec. 21, 2023)
- *Kinder v. Marion County Prosecutor's Office*, No. 24-1952, 2025 WL 914342, at *2-*3 (7th Cir. Mar. 26, 2025)
- *McDonald v. St. Louis University*, 109 F.4th 1068, 1070-71 (8th Cir. 2024)
- *Hayes v. New Jersey Department of Human Services*, 108 F.4th 219, 221-24 (3d Cir. 2024)
- *Goodwin v. Strickland Paper Co.*, No. 2:22-cv-01486-AMM, 2025 WL 756022 (N.D. Ala. Mar. 10, 2025)
- *Stamper v. Duval County School Board*, 863 F.3d 1336, 1342 (11th Cir. 2017)