

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

John T. Graham v. F.B. Leopold Company, Inc.

39 Fair Empl. Prac. Cas. 1025 (3d Cir. 1985) · No. No. 85-3166 · Decided December 20, 1985

SUMMARY

The Third Circuit considered an Age Discrimination in Employment Act claim brought by a 53-year-old former employee who was discharged during a supervisory workforce reduction and replaced by a younger employee. The court held that testimony concerning statements by a company official could support a reasonable inference of age discrimination and that summary judgment for the employer was improper. Judge Adams dissented, concluding that the evidence did not reasonably support an inference that age motivated the termination.

CASE DETAILS

COURT	United States Court of Appeals for the Third Circuit
WRITING FOR THE COURT	Gibbons, Circuit Judge; Adams, Circuit Judge; Stapleton, Circuit Judge
JURISDICTION	Federal
DECIDED	December 20, 1985
DOCKET	No. 85-3166
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff appealed from the district court's grant of the employer's motion for summary judgment in an action alleging discharge because of age under the Age Discrimination in Employment Act.
STANDARD OF REVIEW	Summary judgment is reviewed to determine whether, viewing the admissible evidence and reasonable inferences in the light most favorable to the nonmoving party, any genuine dispute of material fact exists and whether the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	John T. Graham v. F.B. Leopold Company, Inc.

TOPICS

- age discrimination
- summary judgment
- employment law
- civil rights
- civil procedure

PRACTICE AREAS

Employment law

Civil rights

Civil procedure

QUESTIONS PRESENTED

1. Whether Graham's deposition testimony and the surrounding circumstances created a genuine issue of material fact from which a jury could reasonably infer that Leopold discharged him because of his age.
2. Whether the district court properly granted summary judgment after finding that Graham had not shown that Leopold's legitimate, nondiscriminatory explanation was pretextual.
3. Whether the McDonnell Douglas burden-shifting framework applies to ADEA discrimination claims.

HOLDINGS

1. The three-step burden-shifting procedure developed for Title VII claims applies in an ADEA action.
2. Summary judgment for Leopold was improper because the record, viewed in Graham's favor, permitted a jury reasonably to infer that the discharge was motivated by age discrimination.

KEY QUOTATIONS

“What the district court chooses to infer or chooses not to infer is simply not relevant to consideration of a summary judgment motion.” (173)

“Rather, the appropriate inquiry is whether, from the evidence available at the time of the motion's disposition, a jury could reasonably have inferred that Leopold had illegally discriminated against Graham.” (173)

FACTUAL BACKGROUND

John T. Graham had worked for F.B. Leopold Company for approximately twenty-four years and was fifty-three when the company discharged him on December 31, 1983. During a company reorganization and personnel-cutback effort, Leopold selected Graham, one of five supervisors, for dismissal and promoted forty-one-year-old James Green to Graham's former position. Graham had generally favorable performance reviews and testified that operations manager George Goyak advised him to obtain a lawyer and fight the termination and told him that he was in the protected age group.

PROCEDURAL HISTORY

Graham sued F.B. Leopold Company in the Western District of Pennsylvania in May 1984, alleging that his discharge violated the ADEA and Title VII. The district court dismissed the Title VII claim and granted Leopold summary judgment on the ADEA claim on February 27, 1985. The Third Circuit reversed the summary judgment ruling and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court's grant of summary judgment for Leopold was reversed, and the case was remanded for further proceedings consistent with the opinion.

CASES CITED

- Rodriguez v. Taylor, 569 F.2d 1231, 1239 (3d Cir. 1977), cert. denied, 436 U.S. 913 (1978)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802, 804 (1973)
- Texas Department of Community Affairs v. Burdine, 450 U.S. 248, 253-56 (1981)
- Dillon v. Coles, 746 F.2d 998, 1003 (3d Cir. 1984)
- In re Japanese Electronic Products Antitrust Litigation, 723 F.2d 238, 258 (3d Cir. 1983), cert. granted, 105 S. Ct. 1863 (1985)
- Wolk v. Saks Fifth Avenue Inc., 728 F.2d 221, 224 (3d Cir. 1984)
- Suchomajcz v. Hummel Chemical Co., 524 F.2d 19, 24 (3d Cir. 1975)
- EEOC v. Great Atlantic & Pacific Tea Co., 735 F.2d 69, 81 (3d Cir. 1984)
- Koshatka v. Philadelphia Newspapers, Inc., 762 F.2d 329, 333 (3d Cir. 1985)
- Duffy v. Wheeling Pittsburgh Steel Corp., 738 F.2d 1393, 1395 (3d Cir. 1984)
- Massarsky v. General Motors Corp., 706 F.2d 111, 118 (3d Cir. 1983)
- Bellissimo v. Westinghouse Electric Corp., 764 F.2d 175, 179-80 (3d Cir. 1985)
- Goodman v. Mead Johnson & Co., 534 F.2d 566, 573 (3d Cir. 1976), cert. denied, 429 U.S. 1038 (1977)
- Wheeling Pittsburgh Steel Corp., 738 F.2d at 1398