

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Aspen Chacon v. WellSky

Chacon · No. 24-cv-02245-TC · Decided February 25, 2026

SUMMARY

The United States District Court for the District of Kansas granted WellSky Corporation’s motion for summary judgment in Aspen Chacon’s Title VII action alleging termination based on sex and sexual orientation. The court held that Chacon failed to establish a prima facie case and, alternatively, failed to show that WellSky’s stated reason—poor performance—was pretextual; the motion to continue trial was denied as moot.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Toby Crouse
JURISDICTION	United States District Court for the District of Kansas
DECIDED	February 25, 2026
DOCKET	24-cv-02245-TC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought Title VII claims alleging termination because of sex and sexual orientation. Defendant moved for summary judgment and to continue the trial date.
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 views the evidence and draws reasonable inferences in favor of the nonmoving party, but conclusory allegations, speculation, and unsupported assertions cannot create a genuine dispute.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown
PARTIES	Aspen Chacon v. WellSky

TOPICS

- title vii
- employment discrimination
- summary judgment
- evidence
- civil procedure

PRACTICE AREAS

employment law

civil rights

civil procedure

evidence

QUESTIONS PRESENTED

1. Whether Chacon presented a prima facie case of Title VII sex discrimination.
2. Whether Chacon presented a prima facie case of Title VII sexual-orientation discrimination when the decisionmakers lacked evidence that they knew she was a lesbian.
3. Whether WellSky articulated a legitimate, nondiscriminatory reason for terminating Chacon.
4. Whether Chacon produced sufficient evidence from which a reasonable jury could find that WellSky's stated performance-based reason was pretextual.
5. Whether WellSky's motion to continue the trial should be granted after summary judgment was entered.

HOLDINGS

1. Summary judgment is proper when the moving party demonstrates that no genuine dispute exists as to any material fact and the movant is entitled to judgment as a matter of law. A party cannot create a genuine dispute through conclusory allegations, speculation, or evidence unsupported by the record.
2. A Title VII plaintiff relying on indirect evidence must establish that she belongs to a protected class, suffered an adverse employment action, and experienced the action under circumstances giving rise to an inference of unlawful discrimination.
3. A plaintiff cannot establish a prima facie status-based discrimination claim based on sexual orientation without evidence that the relevant decisionmakers knew of the plaintiff's protected status.
4. Poor performance is a legitimate, nondiscriminatory reason for terminating an employee, and the employer's burden to articulate such a reason is exceedingly light.
5. Chacon failed to produce evidence from which a reasonable factfinder could conclude that WellSky's performance-based reason was false or that discrimination was a primary factor in the termination.

KEY QUOTATIONS

“This is fatal to Chacon’s prima facie claim of sexual orientation discrimination, for she must show that she was fired because of her sexual orientation.” (II.B.1)

“A court’s role “is to prevent intentional discriminatory . . . practices, not to act as a ‘super personnel department,’ second guessing employers’ honestly held (even if erroneous) business judgments.”” (II.B.2.b)

“For the foregoing reasons, WellSky’s Motion for Summary Judgment, Doc. 52, is GRANTED, and its Motion to Continue, Doc. 63, is DENIED AS MOOT.” (III)

FACTUAL BACKGROUND

WellSky employed Aspen Chacon in software sales, placed her on a performance improvement plan in 2021, later removed her from that plan, awarded her for improved performance, and promoted her in 2023. During transactions with Alberta Health Services, WellSky concluded that Chacon had made multiple errors, including

sending erroneous or inadequately explained documents and failing to provide updated documents. Her supervisors and human resources discussed the errors, and Henry decided to terminate her. Chacon claimed that the termination was because she was a woman and a lesbian and relied primarily on alleged preferential treatment of male coworker Ryan Greger.

PROCEDURAL HISTORY

Aspen Chacon sued her former employer, WellSky, in federal court asserting Title VII sex-discrimination and sexual-orientation-discrimination claims. WellSky moved for summary judgment and requested a continuance of the trial date. The court granted summary judgment for WellSky on both claims and denied the motion to continue as moot.

DISPOSITION

other

CASES CITED

- Adler v. Wal-Mart Stores, Inc., 144 F.3d 664, 670-72, 674 (10th Cir. 1998)
- Brown v. Perez, 835 F.3d 1223, 1233 (10th Cir. 2016)
- Allen v. Muskogee, Oklahoma, 119 F.3d 837, 839-40 (10th Cir. 1997)
- Scott v. Harris, 550 U.S. 372, 378-81 (2007)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323-24 (1986)
- Savant Homes, Inc. v. Collins, 809 F.3d 1133, 1137 (10th Cir. 2016)
- Bostock v. Clayton County, Georgia, 590 U.S. 644, 657-58, 683 (2020)
- Singh v. Cordle, 936 F.3d 1022, 1037 (10th Cir. 2019)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- DePaula v. Easter Seals El Mirador, 859 F.3d 957, 969-70 (10th Cir. 2017)
- Ford v. Jackson National Life Insurance Co., 45 F.4th 1202, 1215 (10th Cir. 2022)
- Crowe v. Wormuth, 74 F.4th 1011, 1035 (9th Cir. 2023)
- Kendrick v. Penske Transportation Services, Inc., 220 F.3d 1220, 1227 (10th Cir. 2000)
- Lindsay v. Denver Public Schools, 88 F.4th 1323, 1327-28, 1331 (10th Cir. 2023)
- Edmonds-Radford v. Southwest Airlines Co., 17 F.4th 975, 990 (10th Cir. 2021)
- Belcher v. Boeing Commercial Airplane Group, 105 F. App'x 222, 226 (10th Cir. 2004)
- Petersen v. Utah Department of Corrections, 301 F.3d 1182, 1188 (10th Cir. 2002)
- McCoy v. Meyers, 887 F.3d 1034, 1044 (10th Cir. 2018)
- Mauldin v. Driscoll, 136 F.4th 984, 997 (10th Cir. 2025)
- Barlow v. C.R. England, Inc., 703 F.3d 497, 505 (10th Cir. 2012)
- E.E.O.C. v. PVNF, L.L.C., 487 F.3d 790, 801-02 (10th Cir. 2007)
- Lincoln v. BNSF Railway Co., 900 F.3d 1166, 1192-93 (10th Cir. 2018)

- Hansen v. PT Bank Negara Indonesia (Persero), 706 F.3d 1244, 1249 (10th Cir. 2013)
- Meyers v. Eastern Oklahoma County Technology Center, 776 F.3d 1201, 1209 (10th Cir. 2015)
- Starr v. Pearle Vision, Inc., 54 F.3d 1548, 1555 (10th Cir. 1995)
- Bennett v. Windstream Communications, Inc., 792 F.3d 1261, 1267-68 (10th Cir. 2015)
- Bryant v. Farmers Insurance Exchange, 432 F.3d 1114, 1125 (10th Cir. 2005)
- Frappied v. Affinity Gaming Black Hawk, LLC, 966 F.3d 1038, 1058 (10th Cir. 2020)
- Texas Department of Community Affairs v. Burdine, 450 U.S. 248, 254 (1981)
- E.E.O.C. v. C.R. England, Inc., 644 F.3d 1028, 1039 (10th Cir. 2011)
- Bekkem v. Wilkie, 915 F.3d 1258, 1267 (10th Cir. 2019)
- Young v. Dillon Companies, Inc., 468 F.3d 1243, 1250 (10th Cir. 2006)
- Debord v. Mercy Health System of Kansas, Inc., 737 F.3d 642, 655 (10th Cir. 2013)
- Jencks v. Modern Woodmen of America, 479 F.3d 1261, 1267 (10th Cir. 2007)
- Swackhammer v. Sprint/United Management Co., 493 F.3d 1160, 1170 (10th Cir. 2007)
- Medley v. Polk County, 260 F.3d 1202, 1208 (10th Cir. 2001)
- Archuleta v. Colorado Department of Institutions, Division of Youth Services, 936 F.2d 483, 487 (10th Cir. 1991)
- Turner v. Public Service Co. of Colorado, 563 F.3d 1136, 1146 (10th Cir. 2009)
- Argo v. Blue Cross & Blue Shield of Kansas, Inc., 452 F.3d 1193, 1202 (10th Cir. 2006)
- Brown v. Unified School District No. 501, 822 F. App'x 710, 714 (10th Cir. 2020)
- Jaramillo v. Colorado Judicial Department, 427 F.3d 1303, 1311 (10th Cir. 2005)
- Litzsinger v. Adams County Coroner's Office, 25 F.4th 1280, 1291 (10th Cir. 2022)