

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Maner v. Dignity Health

350 F. Supp. 3d 899 (D. Ariz. 2018) · Decided October 10, 2018

SUMMARY

The U.S. District Court for the District of Arizona granted Dignity Health’s motion for summary judgment in William Maner’s Title VII sex-discrimination and retaliation action and granted the parties’ joint motion to file documents under seal. The court held that Maner’s sex-discrimination theory, based on alleged favoritism toward a supervisor’s romantic partner, was not cognizable under Title VII. The court rejected summary judgment on one asserted ground concerning protected activity because a letter could potentially constitute opposition to an unlawful employment practice, but the provided text ends before the court’s final resolution of the retaliation claim.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	David G. Campbell
JURISDICTION	Arizona
DECIDED	October 10, 2018
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought Title VII claims for sex discrimination and retaliation. Defendant moved for summary judgment, and the parties jointly moved to file certain documents under seal.
STANDARD OF REVIEW	Summary judgment is appropriate when, viewing the evidence in the light most favorable to the nonmoving party, there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. A party opposing summary judgment must show a genuine dispute concerning an element essential to its case.
PRECEDENTIAL VALUE	Published federal district court opinion; persuasive authority within the District of Arizona and the Ninth Circuit.
PARTIES	William Maner v. Dignity Health

TOPICS

[title vii](#) [employment discrimination](#) [retaliation](#) [summary judgment](#) [civil procedure](#)

PRACTICE AREAS

employment law

civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether Maner's claim that Garfield favored his female romantic partner stated a sex-discrimination claim under Title VII.
2. Whether Maner engaged in protected activity under Title VII's anti-retaliation provision by complaining about alleged favoritism and related employment actions.
3. Whether the parties had shown compelling reasons to seal portions of filings and exhibits attached to a dispositive motion.

HOLDINGS

1. A plaintiff does not state a Title VII sex-discrimination claim merely by alleging that a supervisor favored a consensual romantic partner, because such favoritism is based on the relationship rather than the plaintiff's sex and disadvantages men and women alike.
2. Maner's retaliation claim failed because the conduct he opposed—favoritism toward a supervisor's romantic partner—did not fairly fall within Title VII's protection, and he therefore lacked an objectively reasonable belief that the conduct violated Title VII.
3. The court granted the joint motion to seal because the parties showed compelling reasons, including sensitive information concerning a former employee and aspects of Dignity Health's business.

KEY QUOTATIONS

“'Sex' in Title VII should be read to refer only to discrimination based on gender, not discrimination based on sexual activity regardless of gender.” (905)

“'[A] consensual sexual relationship between a supervisor and an employee does not give other employees a Title VII cause of action, because such a relationship prejudices male and female employees equally.’” (905)

“Applying Learned, the Court must grant summary judgment on Maner's retaliation claim.” (909)

FACTUAL BACKGROUND

Maner worked for Dignity Health as a biomedical design engineer under Dr. Robert Garfield, initially receiving highly favorable performance reviews. After a Texas court placed Maner on probation, he moved to Texas and worked remotely with Garfield's permission; Garfield later gave him a sharply negative review, attributing deficiencies to Maner's absence from Phoenix and recommending that he return or be terminated. Maner claimed that Garfield favored Leili Shi, his romantic partner, and that Maner's termination was motivated by the effort to preserve funding for Shi. Maner identified three letters as allegedly protected activity, but only one—the Vallier letter—contained language a jury might view as opposing unlawful discrimination.

PROCEDURAL HISTORY

Maner sued Dignity Health under Title VII. After the pleadings and discovery, Dignity Health moved for summary judgment on all claims. The court granted summary judgment on both the sex-discrimination and retaliation claims and granted the parties' joint motion to seal identified materials.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)
- Reynaga v. Roseburg Forest Products, 847 F.3d 678 (9th Cir. 2017)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- Nygren v. AT&T Wireless Services, Inc., 2005 WL 1152281 (W.D. Wash. 2005)
- DeCintio v. Westchester County Medical Center, 807 F.2d 304 (2d Cir. 1986)
- Tenge v. Phillips Modern Ag Co., 446 F.3d 903 (8th Cir. 2006)
- Ackel v. National Communications, Inc., 339 F.3d 376 (5th Cir. 2003)
- Schobert v. Illinois Department of Transportation, 304 F.3d 725 (7th Cir. 2002)
- Womack v. Runyon, 147 F.3d 1298 (11th Cir. 1998)
- Taken v. Oklahoma Corporation Commission, 125 F.3d 1366 (10th Cir. 1997)
- Becerra v. Dalton, 94 F.3d 145 (4th Cir. 1996)
- Miller v. Aluminum Co. of America, 679 F. Supp. 495 (W.D. Pa. 1988), *aff'd mem.*, 856 F.2d 184 (3d Cir. 1988)
- Candelore v. Clark County Sanitation District, 975 F.2d 588 (9th Cir. 1992)
- Knadler v. Furth, 253 F. App'x 661 (9th Cir. 2007)
- Alberto v. Bank of America, 1995 WL 562170 (N.D. Cal. 1995)
- Keenan v. Allan, 889 F. Supp. 1320 (E.D. Wash. 1995), *aff'd*, 91 F.3d 1275 (9th Cir. 1996)
- King v. Palmer, 778 F.2d 878 (D.C. Cir. 1985)
- Wasco Products, Inc. v. Southwall Technologies, Inc., 435 F.3d 989 (9th Cir. 2006)
- Nilsson v. City of Mesa, 503 F.3d 947 (9th Cir. 2007)
- Trent v. Valley Electric Association Inc., 41 F.3d 524 (9th Cir. 1994)
- Ekweani v. Ameriprise Financial, Inc., 2010 WL 481647 (D. Ariz. 2010)
- Cohen v. Fred Meyer, Inc., 686 F.2d 793 (9th Cir. 1982)
- Sias v. City Demonstration Agency, 588 F.2d 692 (9th Cir. 1978)
- Jurado v. Eleven-Fifty Corp., 813 F.2d 1406 (9th Cir. 1987)
- E.E.O.C. v. Crown Zellerbach Corp., 720 F.2d 1008 (9th Cir. 1983)
- Learned v. Bellevue, 860 F.2d 928 (9th Cir. 1988)
- Moyo v. Gomez, 32 F.3d 1382 (9th Cir. 1994)

- Koerner v. Grigas, 328 F.3d 1039 (9th Cir. 2003)
- United States v. Gay, 967 F.2d 322 (9th Cir. 1992)
- SmithKline Beecham Corp. v. Abbott Laboratories, 759 F.3d 990 (9th Cir. 2014)
- E.E.O.C. v. Go Daddy Software, Inc., 581 F.3d 951 (9th Cir. 2009)
- Pintos v. Pacific Creditors Association, 605 F.3d 665 (9th Cir. 2010)

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