

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS, EASTERN DIVISION

Kuscher v. CME Group, Inc.

Kuscher · No. 22-cv-02640 · Decided March 27, 2026

SUMMARY

The United States District Court for the Northern District of Illinois grants CME Group, Inc.’s motion for summary judgment in Paul Kuscher’s action alleging discrimination based on national origin, race, and gender, retaliation, and harassment under Title VII and the Illinois Human Rights Act. The court concludes that Kuscher failed to establish the required elements of his discrimination and retaliation claims, including legitimate-performance and comparator evidence and a causal connection between his complaints and termination. The court also finds that Kuscher waived or otherwise failed to support his harassment claim.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	John Robert Blakey
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	March 27, 2026
DOCKET	22-cv-02640
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought claims for discrimination, retaliation, and harassment under Title VII and the Illinois Human Rights Act. Defendant moved for summary judgment under Federal Rule of Civil Procedure 56.
STANDARD OF REVIEW	Summary judgment is proper 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 construes facts and reasonable inferences in favor of the nonmovant and asks whether the evidence would permit a reasonable jury to find for the plaintiff on the employment claims.
PRECEDENTIAL VALUE	Unknown
PARTIES	Paul Kuscher v. CME Group, Inc.

TOPICS

employment discrimination

title vii

retaliation

hostile work environment

summary judgment

PRACTICE AREAS

employment law

civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether CME was entitled to summary judgment on Kuscher's Title VII and Illinois Human Rights Act discrimination claims based on national origin, race, and gender.
2. Whether Kuscher presented evidence sufficient to establish a causal link between his protected complaints and his termination for purposes of his Title VII and Illinois Human Rights Act retaliation claims.
3. Whether Kuscher presented evidence of harassment sufficiently severe or pervasive to create a hostile work environment.
4. Whether the undisputed record, considered under the McDonnell Douglas and Ortiz frameworks, could permit a reasonable factfinder to conclude that discriminatory or retaliatory motive caused Kuscher's termination.

HOLDINGS

1. CME was entitled to summary judgment because Kuscher failed to establish a prima facie case under the McDonnell Douglas framework and, considered holistically under Ortiz, the evidence did not support a reasonable inference that his national origin, race, or gender caused his termination or other adverse employment action.
2. CME was entitled to summary judgment on the retaliation claim because Kuscher failed to produce evidence from which a reasonable jury could find a causal link between his protected complaints and his termination.
3. CME was entitled to summary judgment on Kuscher's harassment claim because he waived the claim by failing to develop it and, in any event, the alleged conduct was not sufficiently severe or pervasive to alter the conditions of employment and create an objectively hostile work environment.
4. A litigant waives an argument by failing to present and develop it before the district court.

KEY QUOTATIONS

“Summary judgment is proper where there is “no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”” (at 7)

“The holistic analysis set forth in Ortiz supplements, rather than alters, the burden-shifting framework for discrimination claims that the Supreme Court created in McDonnell Douglas Corp v. Green, 411 U.S. 792 (1973).” (at 10)

“Considering the evidence as a whole, the answer is yes.” (at 15)

“All these factors taken together do not establish an objectively hostile working environment.” (at 20)

FACTUAL BACKGROUND

CME Group employed Paul Kuscher from 2015 until September 2020 as a manager in its Global Information Security department. Although his technical performance reviews were generally positive, supervisors and coworkers repeatedly reported concerns about his interpersonal conduct, including allegedly bullying, disrespectful, confrontational, and misogynistic behavior. Kuscher made internal complaints alleging discriminatory and retaliatory conduct by his supervisor, but CME investigations did not substantiate those allegations. During the same period, Kuscher repeatedly attempted to send confidential company information to his personal email and later contacted participants in an internal investigation after being instructed to maintain confidentiality. CME terminated him after the latter incident, citing loss of trust in his judgment and policy violations.

PROCEDURAL HISTORY

Kuscher sued his former employer after his termination, alleging that his national origin, race, and gender motivated his treatment and discharge and that CME retaliated against him for internal discrimination complaints. After discovery, CME moved for summary judgment. The court granted the motion on all claims, directed the Clerk to enter judgment for CME, struck all dates and deadlines, and terminated the civil case.

DISPOSITION

other

CASES CITED

- *Waldrige v. American Hoechst Corp.*, 24 F.3d 918, 923 (7th Cir. 1994)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 252 (1986)
- *King v. Hendricks County Commissioners*, 954 F.3d 981, 984 (7th Cir. 2020)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986)
- *Hutchison v. Fitzgerald Equip. Co.*, *Hutchison v. Fitzgerald Equipment Co.*, 910 F.3d 1016, 1021-22 (7th Cir. 2018)
- *Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986)
- *Barnes v. City of Centralia*, 943 F.3d 826, 832 (7th Cir. 2019)
- *Davis v. Board of Trustees of Community College District No. 508*, 846 F.3d 216, 224 (7th Cir. 2017)
- *Morgan v. SVT, LLC*, 724 F.3d 990, 997 (7th Cir. 2013)
- *Bagwe v. Sedgwick Claims Management Services, Inc.*, 811 F.3d 866, 879 n.39 (7th Cir. 2016)
- *Volling v. Kurtz Paramedic Services, Inc.*, 840 F.3d 378, 383 (7th Cir. 2016)
- *Lewis v. Indiana Wesleyan University*, 36 F.4th 755, 759 (7th Cir. 2022)
- *Ortiz v. Werner Enterprises, Inc.*, 834 F.3d 760, 765 (7th Cir. 2016)
- *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973)

- *Andrews v. CBOCS West, Inc.*, 743 F.3d 230, 234 (7th Cir. 2014)
- *Peele v. Country Mutual Insurance Co.*, 288 F.3d 319, 326 (7th Cir. 2002)
- *Collier v. Budd Co.*, 66 F.3d 886, 889 (7th Cir. 1995)
- *Braun v. Village of Palatine*, 56 F.4th 542, 553 (7th Cir. 2022)
- *Alioto v. Town of Lisbon*, 651 F.3d 715, 721 (7th Cir. 2011)
- *Lekas v. Briley*, 405 F.3d 602, 614 (7th Cir. 2005)
- *United States v. Useni*, 516 F.3d 634, 658 (7th Cir. 2008)
- *Sere v. Board of Trustees of University of Illinois*, 852 F.2d 285, 287 (7th Cir. 1988)
- *Gross v. Town of Cicero*, 619 F.3d 697, 702 (7th Cir. 2010)
- *United States v. Dunkel*, 927 F.2d 955, 956 (7th Cir. 1991)
- *Coleman v. Donahoe*, 667 F.3d 835, 846-47 (7th Cir. 2012)
- *Henry v. Jones*, 507 F.3d 558, 564 (7th Cir. 2007)
- *Barricks v. Eli Lilly & Co.*, 481 F.3d 556, 560 (7th Cir. 2007)
- *Johnson v. Advocate Health and Hospitals Corp.*, 892 F.3d 887, 898-99 (7th Cir. 2018)
- *Skiba v. Illinois Central Railroad Co.*, 884 F.3d 708, 725 (7th Cir. 2018)
- *Lesiv v. Illinois Central Railroad Co.*, 39 F.4th 903, 911 (7th Cir. 2022)
- *Lord v. High Voltage Software, Inc.*, 839 F.3d 556, 563 (7th Cir. 2016)
- *Alley v. Penguin Random House*, 62 F.4th 358, 361-62 (7th Cir. 2023)
- *Rozumalski v. W.F. Baird & Associates, Ltd.*, 937 F.3d 919, 924 (7th Cir. 2019)
- *Castro v. DeVry University, Inc.*, 786 F.3d 559, 564 (7th Cir. 2015)
- *EEOC v. Village at Hamilton Pointe LLC*, 102 F.4th 387, 401-02 (7th Cir. 2024)
- *Alamo v. Bliss*, 864 F.3d 541, 550 (7th Cir. 2017)
- *Jackson v. County of Racine*, 474 F.3d 493, 500 (7th Cir. 2007)
- *Vance v. Ball State University*, 570 U.S. 421, 427 (2013)
- *Robinson v. Sappington*, 351 F.3d 317, 330 (7th Cir. 2003)
- *Yancick v. Hanna Steel Corp.*, 653 F.3d 532, 544 (7th Cir. 2011)
- *Passananti v. Cook County*, 689 F.3d 655, 667 (7th Cir. 2012)
- *Cerros v. Steel Technologies, Inc.*, 398 F.3d 944, 950-51 (7th Cir. 2005)
- *Nichols v. Michigan City Plant Planning Department*, 755 F.3d 594, 601 (7th Cir. 2014)