

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Tatum Minerva v. EmblemHealth, Jennifer Truscott, and Bari Pulcini

No. 2:19-cv-05216 (ENV) (ARL) (E.D.N.Y. Nov. 10, 2025) · No. 2:19-cv-05216 (ENV) (ARL) · Decided November 24, 2025

SUMMARY

The United States District Court for the Eastern District of New York adopted a magistrate judge’s Report and Recommendation and granted defendants’ motion for summary judgment in full. The court rejected the plaintiff’s claims of racial discrimination, disability discrimination, retaliation, and aiding and abetting discrimination under federal and New York law.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Eric N. Vitaliano
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	November 24, 2025
DOCKET	2:19-cv-05216 (ENV) (ARL)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's report and recommendation recommending that defendants' motion for summary judgment be granted. The district court reviewed the properly raised objections de novo, reviewed any unobjected portions for clear error, adopted the report and recommendation, granted summary judgment to defendants on all claims, and directed entry of judgment and closure of the case.
STANDARD OF REVIEW	The district court reviews properly made objections to a magistrate judge's report and recommendation de novo and reviews unobjected portions for clear error. 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 draws permissible factual inferences for the nonmoving party but does not try disputed facts.
PRECEDENTIAL VALUE	Unknown; federal district court memorandum and order with no reporter citation.

PARTIES

Tatum Minerva v. EmblemHealth, Jennifer Truscott, Bari Pulcini

TOPICS

employment discrimination

racial discrimination

ada / disability

retaliation

summary judgment

PRACTICE AREAS

employment law

civil rights

disability discrimination

racial discrimination

civil procedure

QUESTIONS PRESENTED

1. Whether the district court should review Minerva's objections to the report and recommendation de novo.
2. Whether Minerva presented sufficient evidence to establish a prima facie case or otherwise defeat summary judgment on her Title VII, 42 U.S.C. § 1981, and NYSHRL racial-discrimination claims.
3. Whether Minerva was disabled or regarded as disabled under the ADA or NYSHRL and presented evidence that her termination was because of that disability.
4. Whether Minerva engaged in protected activity sufficient to support retaliation claims under Title VII, § 1981, the ADA, and NYSHRL.
5. Whether Minerva could maintain NYSHRL aiding-and-abetting claims absent a viable underlying discrimination or retaliation claim.

HOLDINGS

1. A timely and sufficiently specific objection that challenges a legal conclusion in a report and recommendation requires de novo review, even when the objection repeats an argument previously presented to the magistrate judge; unobjected portions are reviewed for clear error.
2. Minerva failed to establish a prima facie case of racial discrimination because the evidence did not support an inference that her termination was motivated by racial animus; summary judgment was therefore proper on those claims.
3. Minerva was neither disabled nor regarded as disabled within the meaning of the ADA, and she failed to establish a medically diagnosable impairment under the NYSHRL; she therefore could not establish the disability element or causation required for her disability-discrimination claims.
4. Minerva's retaliation claims failed because she did not produce evidence that she engaged in protected activity opposing discrimination or requesting a reasonable accommodation.
5. Minerva could not maintain NYSHRL aiding-and-abetting claims because she had no viable underlying discrimination or retaliation claim.

KEY QUOTATIONS

"Where a litigant's objections take issue with a specific legal conclusion in the report and recommendation, they should be considered de novo, even if they repeat an argument raised before the magistrate judge."

“In short, Minerva has failed to make out a prima facie case that she was fired on account of racial discrimination, and even if she did, EmblemHealth has advanced equal reasons for her termination, there also being no genuine dispute that those reasons were non-pretextual.”

“Such a demand for proof does not rise to the level of a formal complaint or protest against discrimination.”

FACTUAL BACKGROUND

Tatum Minerva, an African American woman, worked as an administrative assistant for EmblemHealth from October 30, 2017, until her termination on June 5, 2018. She alleged that EmblemHealth and its employees terminated her because of her race and perceived disability after a holiday-party guest used the term “colored,” after a prior noose incident involving another employee, and after Minerva disclosed a possible cervical-cancer diagnosis. EmblemHealth maintained that Minerva had attendance, reliability, and performance problems, and the record showed that those concerns and attendance tracking began before the disclosure of her possible diagnosis. Minerva also admitted that she had not complained to human resources about discrimination or requested a reasonable accommodation.

PROCEDURAL HISTORY

Minerva filed suit on September 12, 2019, asserting racial discrimination and harassment, perceived-disability discrimination, retaliation, and NYSHRL aiding-and-abetting claims. Defendants moved for summary judgment on November 3, 2021. Magistrate Judge Arlene R. Lindsay recommended granting the motion in full on February 11, 2025; Minerva filed objections on February 25, 2025. The district court overruled the objections, adopted the recommendation without modification, granted summary judgment, and closed the case.

DISPOSITION

other

CASES CITED

- Congregation Rabbinical College of Tartikov, Inc. v. Village of Pomona, 138 F. Supp. 3d 352, 396 (S.D.N.Y. 2015)
- Nambiar v. Central Orthopedic Group, LLP, 2025 WL 3007285 (2d Cir. Oct. 28, 2025)
- Saveria JFK, Inc. v. Flughafen Wien, AG, 2017 WL 1194656, at *2 (E.D.N.Y. Mar. 30, 2017)
- Government Employees Insurance Co. v. Galperin, 2025 WL 909190, at *1 (E.D.N.Y. Mar. 26, 2025)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)
- Royal Crown Day Care LLC v. Department of Health & Mental Hygiene of the City of New York, 746 F.3d 538, 544 (2d Cir. 2014)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Lyons v. Lancer Insurance Co., 681 F.3d 50, 57 (2d Cir. 2012)
- Jackson v. Federal Express, 766 F.3d 189, 194 (2d Cir. 2014)
- Sutera v. Schering Corp., 73 F.3d 13, 16 (2d Cir. 1995)

- *Katz v. Goodyear Tire & Rubber Co.*, 737 F.2d 238, 244 (2d Cir. 1984)
- *Jeffreys v. City of New York*, 426 F.3d 549, 553 (2d Cir. 2005)
- *Reese v. Triborough Bridge & Tunnel Authority*, 91 F.4th 582, 589 (2d Cir. 2024)
- *Hetchkop v. Woodlawn at Grassmere, Inc.*, 116 F.3d 28, 33 (2d Cir. 1997)
- *Rodriguez v. Long Island American Water, Inc.*, 2014 WL 4805021, at *4 (E.D.N.Y. Sept. 26, 2014)
- *Schiano v. Quality Payroll Systems*, 445 F.3d 597, 603 (2d Cir. 2006)
- *Abdu-Brisson v. Delta Air Lines, Inc.*, 239 F.3d 456, 466 (2d Cir. 2001)
- *Schwapp v. Town of Avon*, 118 F.3d 106, 110 (2d Cir. 1997)
- *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802-06 (1973)
- *Bowen-Hooks v. City of New York*, 13 F. Supp. 3d 179, 209-10 (E.D.N.Y. 2014)
- *Collins v. New York City Transit Authority*, 305 F.3d 113, 118 (2d Cir. 2002)
- *Dowrich-Weeks v. Cooper Square Realty, Inc.*, 535 F. App'x 9, 11 (2d Cir. 2013)
- *Gad-Tadros v. Bessemer Venture Partners*, 326 F. Supp. 2d 417, 423 (E.D.N.Y. 2004)
- *Chuang v. T.W. Wang Inc.*, 647 F. Supp. 2d 221, 226 (E.D.N.Y. 2009)
- *Worrell v. New York City Department of Education*, 140 F. Supp. 3d 231, 240 (E.D.N.Y. 2015)
- *Henry v. Wyeth Pharmaceuticals, Inc.*, 616 F.3d 134, 149 (2d Cir. 2010)
- *Howley v. Town of Stratford*, 217 F.3d 141, 151 (2d Cir. 2000)
- *Washington v. Davis*, 426 U.S. 229, 242 (1976)
- *Byrnie v. Town of Cromwell, Board of Education*, 243 F.3d 93, 103 (2d Cir. 2001)
- *Baron v. Advanced Asset & Property Management Solutions, LLC*, 15 F. Supp. 3d 274, 280-81 (E.D.N.Y. 2014)
- *McDonald v. City of New York*, 786 F. Supp. 2d 588, 609 (E.D.N.Y. 2011)
- *Natofsky v. City of New York*, 921 F.3d 337, 348 (2d Cir. 2019)
- *Sarno v. Douglas Elliman-Gibbons & Ives, Inc.*, 183 F.3d 155, 159 (2d Cir. 1999)
- *Turner v. Delta Airlines, Inc.*, 658 F. Supp. 3d 123, 139 (E.D.N.Y. 2023)
- *Flieger v. E. Suffolk BOCES*, 693 F. App'x 14, 18 (2d Cir. 2017)
- *Lovejoy-Wilson v. NOCO Motor Fuel, Inc.*, 263 F.3d 208, 223 (2d Cir. 2001)
- *Rosbach v. Montefiore Medical Center*, 2021 WL 930710, at *7 (S.D.N.Y. Mar. 11, 2021)
- *Farmer v. Shake Shack Enterprises, LLC*, 473 F. Supp. 3d 309, 338 (S.D.N.Y. 2020)

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