

DISTRICT OF COLUMBIA COURT OF APPEALS

Archie Little v. District of Columbia Water and Sewer Authority, et al.

Archie Little v. District of Columbia Water & Sewer Authority, 91 A.3d 1020 (D.C. 2014) · No. 12-CV-1812 · Decided May 29, 2014

SUMMARY

The District of Columbia Court of Appeals affirmed summary judgment for C&E Services, Inc. and the District of Columbia Water and Sewer Authority in an age-discrimination action under the District of Columbia Human Rights Act and a tortious-interference claim. The court held that the appellant presented neither sufficient direct nor circumstantial evidence of age discrimination, including evidence of disparate treatment of similarly situated younger employees. The court also affirmed summary judgment on the interference claim because the record lacked evidence that DC Water caused the appellant’s termination from C&E.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Thompson, Associate Judge; McLeese, Associate Judge; Ferren, Senior Judge
JURISDICTION	District of Columbia
DECIDED	May 29, 2014
DOCKET	12-CV-1812
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court of the District of Columbia's grant of summary judgment to C&E Services, Inc. and the District of Columbia Water and Sewer Authority on claims of age discrimination under the District of Columbia Human Rights Act and tortious interference with an employment relationship.
STANDARD OF REVIEW	Summary judgment is reviewed independently, under the same standard applied by the trial court. Summary judgment is proper when the record shows no genuine issue of material fact and the moving party is entitled to judgment as a matter of law; evidence is viewed in the light most favorable to the nonmoving party, but conclusory allegations are insufficient.

PRECEDENTIAL VALUE	Published precedential opinion of the District of Columbia Court of Appeals
PARTIES	Archie Little v. District of Columbia Water and Sewer Authority, C&E Services, Inc.

TOPICS

age discrimination employment discrimination standard of review appellate procedure employment law

PRACTICE AREAS

employment law civil rights torts appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court properly granted summary judgment to C&E and DC Water on Little's age-discrimination claim under the DCHRA.
2. Whether Little presented direct evidence that age was a motivating factor in the alleged termination.
3. Whether Little established a prima facie case of age discrimination through circumstantial evidence, including evidence of disparate treatment compared with similarly situated younger employees.
4. Whether Little presented sufficient evidence that DC Water intentionally interfered with his employment relationship with C&E.

HOLDINGS

1. Summary judgment is proper when the pleadings and record show no genuine issue of material fact and the moving party is entitled to judgment as a matter of law; conclusory allegations do not prevent summary judgment.
2. Little did not produce direct evidence sufficient to permit a jury to find that a discriminatory attitude was more likely than not a motivating factor in his alleged termination.
3. Little failed to establish a prima facie case of age discrimination because he did not show that he was treated differently from similarly situated younger employees.
4. Summary judgment for DC Water was proper because Little presented no evidence creating a genuine issue of material fact that DC Water took action interfering with his employment relationship with C&E and caused his termination.

KEY QUOTATIONS

"In reviewing a trial court order granting a summary judgment motion, we conduct an independent review of the record, and our standard of review is the same as the trial court's standard in considering the motion for summary judgment." (at 5)

"Though we view the evidence in the light most favorable to the non-moving party, mere conclusory allegations by the non-moving party are legally insufficient to avoid the entry of summary judgment." (at 6)

“To make out a prima facie case of intentional interference with business relations, the plaintiff must prove: (1) existence of a . . . business relationship; (2) the defendant’s knowledge of the relationship; (3) intentional interference with that relationship by the defendant; and (4) resulting damages.” (at 18)

FACTUAL BACKGROUND

Little worked for C&E Services, which contracted with DC Water to provide instrumentation technicians. In April 2009, C&E's owner sent Little a letter referring to his planned retirement, but Little alleged that C&E later demanded his resignation and ended his work on May 13, 2009. Little, who was approximately seventy-three or seventy-four years old, alleged that DC Water influenced C&E's staffing decisions and that younger workers were retained. The record showed that comments by DC Water employees referring to Little as the "old man" or his "old butt" were connected to workplace disputes and personal animosity, and there was no evidence that those comments were communicated to C&E's owner or caused Little's termination.

PROCEDURAL HISTORY

Little sued C&E and DC Water, alleging that he was forced to leave his position because of his age and that DC Water tortiously interfered with his employment relationship with C&E. The parties filed cross-motions for summary judgment. The Superior Court denied Little's motion and granted appellees' motions, concluding that Little lacked sufficient evidence of age discrimination and could not maintain the interference claim as an at-will employee. The Court of Appeals affirmed on the age-discrimination claim and affirmed the interference claim on the alternative ground that the record lacked evidence of actionable interference causing Little's termination.

DISPOSITION

affirmed

CASES CITED

- Young v. U-Haul Co. of District of Columbia, 11 A.3d 247, 249 (D.C. 2011)
- Bruno v. Western Union Fin. Servs., Inc., 973 A.2d 713, 717 (D.C. 2009)
- Joeckel v. Disabled Am. Veterans, 793 A.2d 1279, 1281 (D.C. 2002)
- Furline v. Morrison, 953 A.2d 344, 352 (D.C. 2008)
- Jung v. George Washington University, 875 A.2d 95, 111 (D.C. 2005)
- Blackman v. Visiting Nurses Ass’n, 694 A.2d 865, 869 n.3 (D.C. 1997)
- Vessels v. District of Columbia, 531 A.2d 1016, 1019 & n.7 (D.C. 1987)
- Ham v. City of Atlanta, 386 F. App’x 899, 907 (11th Cir. 2010)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- Hollins v. Federal Nat’l Mortg. Ass’n, 760 A.2d 563, 571 (D.C. 2000)
- Arthur Young & Co. v. Sutherland, 631 A.2d 354, 361 (D.C. 1993)
- Kumar v. District of Columbia Water & Sewer Auth., 25 A.3d 9, 17 (D.C. 2011)
- McFarland v. George Washington Univ., 935 A.2d 337, 352-53 (D.C. 2007)

- Shah v. General Elec. Co., 816 F.2d 264, 268 (6th Cir. 1987)
- Vasquez v. County of Los Angeles, 349 F.3d 634, 641 (9th Cir. 2003)
- Ercegovich v. Goodyear Tire & Rubber Co., 154 F.3d 344, 352 (6th Cir. 1998)
- Cain v. Reinoso, 43 A.3d 302, 313 (D.C. 2012)
- Wallace v. Eckert, Seamans, Cherin & Mellot, LLC, 57 A.3d 943, 957 (D.C. 2012)
- Neuren v. Adduci, Mastriani, Meeks & Schill, 43 F.3d 1507, 1514 (D.C. Cir. 1994)
- McManus v. MCI Communications Corp., 748 A.2d 949, 957-58 (D.C. 2000)
- Sorells v. Garfinckel's, Brooks Bros., Miller & Rhoads, Inc., 565 A.2d 285 (D.C. 1989)
- Onyeoziri v. Spivok, 44 A.3d 279, 286 (D.C. 2012)

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