

SUPREME COURT OF THE STATE OF MONTANA

Montana Department of Labor and Industry, Human Rights Bureau
v. BNSF Railway Company; BNSF Railway Company v. Matt O’Dea;
Matt O’Dea v. BNSF Railway Company

O’Dea, 2009 MT 262N (Supreme Court of the State of Montana 2009) · No. DA 08-0517; DA 08-0558; DA 08-0559 · Decided August 5, 2009

SUMMARY

The Montana Supreme Court affirmed orders enforcing a Montana Human Rights Bureau award to Matt O’Dea, rejecting BNSF Railway’s requests to dismiss or stay the state proceedings pending related federal litigation. The court also upheld the agency’s damages award and the district court’s refusal to increase or disturb it. The decision is a noncitable memorandum opinion, and Justice Rice dissented.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Chief Justice Mike McGrath; Justice Patricia O. Cotter; Justice W. William Leaphart; Justice Brian Morris
JURISDICTION	Montana
DECIDED	August 5, 2009
DOCKET	DA 08-0517; DA 08-0558; DA 08-0559
DISPOSITION	affirmed
PROCEDURAL POSTURE	BNSF appealed consolidated Montana district-court orders denying its motions to voluntarily dismiss a petition for judicial review, to stay judicial review, and to stay enforcement of an administrative order. O’Dea cross-appealed the adequacy of the damages awarded by the Montana Human Rights Bureau.
STANDARD OF REVIEW	Abuse of discretion for the district court’s rulings on voluntary dismissal and stays; substantial-evidence and agency-deference principles for review of the damages award.
PRECEDENTIAL VALUE	Nonprecedential memorandum decision
PARTIES	BNSF Railway Company v. Montana Department of Labor and Industry, Human Rights Bureau, Matt O’Dea

TOPICS

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QUESTIONS PRESENTED

1. Whether the district court abused its discretion by denying BNSF's motion to voluntarily dismiss its petition for judicial review without prejudice.
2. Whether the district court abused its discretion by denying BNSF's motion to stay judicial review while BNSF pursued federal-court proceedings.
3. Whether the district court erred by affirming the Human Rights Bureau's damages award as supported by the record.
4. Whether the district court abused its discretion by denying a stay of enforcement of the agency's training and policy requirements.

HOLDINGS

1. The district court acted within its discretion under Montana Rule of Civil Procedure 41 when it denied BNSF's motion to voluntarily dismiss its petition for judicial review without prejudice.
2. The district court properly affirmed the Human Rights Bureau's damages award because the agency's findings and conclusions were thorough, well reasoned, supported by the record, and not an abuse of discretion.
3. The district court acted within its discretion by denying BNSF's motions to stay the state judicial-review and enforcement proceedings pending resolution of BNSF's federal-court appeals.

KEY QUOTATIONS

"the following memorandum decision shall not be cited as precedent." (§ 1)

"The District Court found the hearing examiner's findings and conclusions on damages to be "both thorough and well reasoned" and not an abuse of discretion." (§ 7)

"O'Dea's claim has been pending since 2004, and there is no sufficient reason to delay matters further." (§ 9)

FACTUAL BACKGROUND

Matt O'Dea alleged that BNSF refused to hire him because of a perceived disability related to his weight. The Montana Human Rights Bureau found that BNSF discriminated against him and awarded approximately \$366,000 for lost wages, lost benefits, prejudgment interest, lost future earnings, and emotional distress, while also ordering supervisor training and antidiscrimination policies. BNSF pursued federal and state judicial review, and the federal proceedings were remanded to state court; the state district court affirmed the agency's award and ordered enforcement of the agency's nonmonetary relief.

PROCEDURAL HISTORY

O'Dea filed a discrimination charge with the Montana Human Rights Bureau alleging that BNSF refused to hire him because it perceived him as disabled based on his weight. The agency found discrimination, awarded approximately \$366,000 in damages, and ordered BNSF to provide training and adopt antidiscrimination policies. The First Judicial District Court affirmed the agency's damages award and granted enforcement relief, while denying BNSF's requests for dismissal and stays; the Montana Supreme Court consolidated the resulting appeals and affirmed.

DISPOSITION

affirmed

CASES CITED

- BNSF Railway Co. v. O'Dea, No. 08-35075 (9th Cir. July 16, 2009)
- Billbruck case

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