

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Brent Nickischer v. Patient First Pennsylvania Medical Group, PLLC

Civil No. 5:24-cv-04748-JMG (E.D. Pa. Jan. 12, 2026) · No. Civil No. 5:24-cv-04748-JMG · Decided January 12, 2026

SUMMARY

The Eastern District of Pennsylvania addresses cross-motions for summary judgment in an ADA employment case involving a physician’s termination after requesting a permanent reduction in work hours as an accommodation for low back pain. The court grants summary judgment to the defendant on the discriminatory-discharge and retaliation claims because the defendant identified a legitimate, nondiscriminatory reason and the plaintiff failed to address pretext. The court denies summary judgment on the failure-to-accommodate claim and the request for punitive damages because genuine disputes remain regarding good faith and undue hardship.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	John M. Gallagher
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	January 12, 2026
DOCKET	Civil No. 5:24-cv-04748-JMG
DISPOSITION	other
PROCEDURAL POSTURE	Cross-motions for summary judgment in an action asserting ADA discriminatory discharge, retaliation, and failure-to-accommodate claims, together with a request for punitive damages.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. The evidence must be viewed in the light most favorable to the nonmoving party, and the court may not weigh evidence or make credibility determinations. The same standard applies to cross-motions for summary judgment.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive authority only

PARTIES

Brent Nickischer v. Patient First Pennsylvania Medical Group, PLLC

TOPICS

ada / disability

disability discrimination

reasonable accommodation

retaliation

summary judgment

PRACTICE AREAS

employment law

disability discrimination

civil rights

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether Defendant was entitled to summary judgment on Plaintiff's ADA discriminatory-discharge claim because Plaintiff failed to establish disability, qualification, causation, or pretext.
2. Whether Defendant was entitled to summary judgment on Plaintiff's ADA retaliation claim based on Plaintiff's request for accommodation.
3. Whether genuine disputes of material fact existed concerning whether Plaintiff's requested permanent reduced schedule was reasonable, whether Defendant engaged in the required good-faith interactive process, and whether the accommodation would impose an undue hardship.
4. Whether Plaintiff's request for punitive damages under the ADA should be dismissed at summary judgment.

HOLDINGS

1. Defendant was entitled to summary judgment on Plaintiff's discriminatory-discharge claim. Although Plaintiff established a prima facie case sufficient to defeat Defendant's affirmative motion, Defendant articulated a legitimate, nondiscriminatory reason for the termination—Plaintiff's inability to meet the schedule requirements—and Plaintiff failed to produce evidence addressing pretext.
2. Defendant was entitled to summary judgment on Plaintiff's retaliation claim. Plaintiff's accommodation request constituted protected activity and the less-than-24-hour temporal proximity supported causation at the prima facie stage, but Plaintiff failed to address pretext after Defendant articulated inability to meet the schedule requirements as a legitimate, nonretaliatory reason for the termination.
3. Neither party was entitled to summary judgment on Plaintiff's failure-to-accommodate claim. A jury could find that the requested permanent reduced schedule was reasonable, that Defendant failed to engage in a good-faith interactive process, and that the accommodation would not impose an undue hardship.
4. The court declined to dismiss Plaintiff's request for punitive damages because factual disputes remained about whether Defendant acted with malice or reckless indifference to Plaintiff's federally protected rights.

KEY QUOTATIONS

"grant summary judgment if there is no genuine issue as to any material fact and if the moving party is entitled to judgment as a matter of law." (III)

“At the summary judgment stage, the Court’s role is not to weigh the evidence and determine the ultimate truth of the allegations.” (III)

“Once Defendant knew of Plaintiff’s disability and desire for accommodations, Defendant was obligated to engage in the accommodation process and “make a good-faith effort to seek accommodations.”” (IV.C)

FACTUAL BACKGROUND

Plaintiff was a part-time physician at Defendant’s urgent-care facility and was subject to schedule guidelines requiring 24 or 30 weekend hours per month, depending on the number of weekend days. After his longstanding low back pain worsened, a physician recommended that he work no more than one six-hour shift twice per month, and Plaintiff requested that permanent accommodation. Defendant decided within less than 24 hours to terminate him for being unable to meet the schedule requirements, although he worked 12 hours per month during his remaining employment. The record also showed that Defendant offered PRN positions with 12 or 18 weekend hours per month, depending on the month.

PROCEDURAL HISTORY

Nickischer sued Patient First under the ADA after Patient First terminated his employment following his request for a permanent reduction in hours as an accommodation for low back pain. Defendant moved for summary judgment on all claims and the punitive-damages request; Plaintiff moved for partial summary judgment on discriminatory discharge and retaliation. The court granted Defendant summary judgment on discriminatory discharge and retaliation, but denied summary judgment on failure to accommodate and punitive damages because genuine disputes of material fact remained.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 250-52, 256-57 (1986)
- Physicians Healthsource, Inc. v. Cephalon, Inc., 954 F.3d 615, 618 (3d Cir. 2020)
- Daniels v. City of Pittsburgh, No. 22-1790, 2023 WL 2707178, at *2 (3d Cir. Mar. 30, 2023)
- Berkeley Investment Group, Ltd. v. Colkitt, 455 F.3d 195, 201 (3d Cir. 2006)
- Pennsylvania Protection & Advocacy, Inc. v. Pennsylvania Department of Public Welfare, 402 F.3d 374, 379 (3d Cir. 2005)
- Doeblers’ Pennsylvania Hybrids, Inc. v. Doeblner, 442 F.3d 812, 820 n.8 (3d Cir. 2006), as amended (May 5, 2006)
- Barton & Pittinos v. Smithkline Beecham Corp., 118 F.3d 178, 181 n.3 (3d Cir. 1997)
- Meinhardt v. Unisys Corp. (In re Unisys Savings Plan Litigation), 74 F.3d 420, 433 n.10 (3d Cir. 1996)
- Baloga v. Pittston Area School District, 927 F.3d 742, 752 (3d Cir. 2019)
- InterVest, Inc. v. Bloomberg, L.P., 340 F.3d 144, 160 (3d Cir. 2003)

- Appelmans v. City of Philadelphia, 826 F.2d 214, 216 (3d Cir. 1987)
- Iberia Foods Corp. v. Romeo, 150 F.3d 298, 302 (3d Cir. 1998)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792, 793 (1973)
- Law v. Garden State Tanning, 159 F. Supp. 2d 787, 791 & n.2 (E.D. Pa. 2001)
- Gardner v. SEPTA, 824 F. App'x 100, 105-06 (3d Cir. 2020)
- Taylor v. Phoenixville School District, 184 F.3d 296, 306, 315, 317, 319-20 (3d Cir. 1999)
- Eshleman v. Patrick Industries, Inc., 961 F.3d 242, 245 (3d Cir. 2020)
- Woods v. AstraZeneca Pharmaceuticals, L.P., 659 F. Supp. 3d 512, 532-33, 535 (M.D. Pa. 2023)
- Gibbs v. City of Pittsburgh, 989 F.3d 226, 229 (3d Cir. 2021)
- Turner v. Hershey Chocolate U.S., 440 F.3d 604, 612 (3d Cir. 2006)
- Bevan v. County of Lackawanna, No. 3:17-CV-0919, 2017 WL 6336595, at *4 (M.D. Pa. Dec. 12, 2017)
- Ragusa v. Lehigh University, No. CV 18-3362, 2021 WL 1175153, at *3 (E.D. Pa. Mar. 29, 2021)
- Smith v. Presidio Networked Solutions, Inc., No. CV 22-736, 2024 WL 3203314, at *18 (E.D. Pa. June 26, 2024)
- Campo v. Mid-Atlantic Packaging Specialties, LLC, 564 F. Supp. 3d 362, 380-81, 389 (E.D. Pa. 2021)
- Emmell v. Phoenixville Hospital Co., LLC, 303 F. Supp. 3d 314, 332 (E.D. Pa. 2018)
- Kachmar v. SunGard Data Systems, Inc., 109 F.3d 173, 178 (3d Cir. 1997)
- Smondrowski v. Edgewood Co., Inc., No. CV 24-1297, 2025 WL 3678885, at *4-5 (E.D. Pa. Dec. 18, 2025)
- Garcia v. Vertical Screen, 592 F. Supp. 3d 409, 420 (E.D. Pa. 2022)
- Tirk v. Dubrook, Inc., 673 F. App'x 238, 241 (3d Cir. 2016)
- Slayton v. Sneaker Villa, Inc., No. CV 15-0074, 2017 WL 1048360, at *8-9 (E.D. Pa. Mar. 20, 2017)
- Burton v. Teleflex Inc., 707 F.3d 417, 426 (3d Cir. 2013)
- Willis v. UPMC Children's Hospital of Pittsburgh, 808 F.3d 638, 644-45 (3d Cir. 2015)
- Matos v. Merck & Co., 643 F. App'x 187, 191 (3d Cir. 2016)
- Hanafy v. Hill International, Inc., 669 F. Supp. 3d 419, 432-33, 438 (E.D. Pa. 2023)
- Lewis v. University of Pennsylvania, 779 F. App'x 920, 923 (3d Cir. 2019)
- Colwell v. Rite Aid Corp., 602 F.3d 495, 504-05 (3d Cir. 2010)
- Parrish v. County of Delaware, No. CV 22-4552, 2024 WL 3295585, at *5-7 (E.D. Pa. July 3, 2024)
- Doe v. Triangle Doughnuts, LLC, 472 F. Supp. 3d 115, 141 (E.D. Pa. 2020)
- Dinger v. Bryn Mawr Trust Co., No. CV 19-2324-WB, 2022 WL 6746260, at *9 (E.D. Pa. Oct. 11, 2022)
- Gagliardo v. Connaught Laboratories, Inc., 311 F.3d 565, 573 (3d Cir. 2002)
- Kolstad v. American Dental Association, 527 U.S. 526, 535-36 (1999)

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