

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kelley Sullivan v. The Home Depot, U.S.A., Inc.

No. 2:23-cv-01981-DJC-CKD (E.D. Cal. Nov. 17, 2025) · No. No. 2:23-cv-01981-DJC-CKD · Decided
November 17, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Home Depot’s motion for summary judgment in Kelley Sullivan’s action arising from her termination after refusing to wear a mask during a store outbreak. The court rejects or resolves in Home Depot’s favor claims involving religious discrimination, failure to accommodate, religious harassment, medical-condition discrimination and harassment, retaliation, failure to prevent discrimination, the Bane Act, and the California Constitution. The court concludes that an unpaid leave of absence was a reasonable religious accommodation and that Sullivan did not establish a genuine dispute of material fact supporting her claims.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Daniel J. Calabretta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 17, 2025
DOCKET	No. 2:23-cv-01981-DJC-CKD
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment on Plaintiff's claims arising from her termination after she refused to wear a mask during a period when the employer's store was in COVID-19 outbreak status. The court considered the fully briefed motion without oral argument and granted it in its entirety.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. The court views the evidence and draws reasonable inferences in favor of the nonmoving party but does not permit unsupported assertions, metaphysical doubt, or credibility disputes unsupported by evidence to create a genuine issue.

TOPICS

religious discrimination

employment discrimination

retaliation

summary judgment

civil procedure

PRACTICE AREAS

employment law

civil rights

civil procedure

evidence

QUESTIONS PRESENTED

1. Whether Home Depot was entitled to summary judgment on Sullivan's FEHA religious-discrimination claim.
2. Whether Sullivan presented a triable issue on her FEHA religious-accommodation claim and whether unpaid leave until the store left outbreak status was a reasonable accommodation.
3. Whether Sullivan presented evidence that religious or medical-condition harassment was sufficiently severe or pervasive to create a hostile work environment.
4. Whether Sullivan established the elements of FEHA retaliation, including a causal connection between protected activity and termination.
5. Whether Sullivan's Bane Act claim or California constitutional privacy claim presented a genuine dispute of material fact.
6. Whether Sullivan's wrongful-termination-in-violation-of-public-policy claim could survive when derivative of unsuccessful statutory or constitutional claims.
7. Whether the parties' evidentiary objections and requests for judicial notice affected the summary-judgment determination.

HOLDINGS

1. Sullivan failed to establish a prima facie case of religious discrimination because she presented no evidence of a circumstance suggesting discriminatory motive, and the undisputed evidence showed that she was terminated for refusing to follow masking and leave directives rather than because of her religious beliefs.
2. Home Depot was entitled to summary judgment on Sullivan's failure-to-accommodate claim because, even assuming a bona fide religious belief and a conflict with the masking requirement, the employer offered a reasonable accommodation—unpaid leave until the store was no longer in outbreak status—and was not required to provide Sullivan's preferred accommodation.
3. Sullivan's statements that God directed her not to wear a mask were sufficient to create a triable factual issue regarding whether her belief was religious and sincerely held, but that factual issue did not prevent summary judgment because the accommodation offered was reasonable.
4. Sullivan's religious-harassment claim failed because the evidence did not show conduct based on religion that was sufficiently severe or pervasive to create a hostile work environment.

5. Home Depot was entitled to summary judgment on Sullivan's medical-condition harassment and discrimination claims because she presented no evidence of severe or pervasive harassment or discriminatory treatment based on a medical condition.
6. Sullivan failed to establish FEHA retaliation because the undisputed evidence did not show a causal connection between protected activity and termination; it showed that she was terminated for refusing to mask, leave the store, and follow a supervisor's directive.
7. The Bane Act claim failed because Sullivan's underlying state-law claims failed, and she did not adequately identify a constitutional right or establish the required threats, intimidation, or coercion.
8. Sullivan's California constitutional privacy claim failed because the undisputed facts did not show a serious threatened intrusion into a protected privacy interest and showed that Home Depot offered leave rather than requiring vaccination or termination solely for refusing vaccination.
9. The wrongful-termination-in-violation-of-public-policy claim failed to the extent it was derivative of Sullivan's unsuccessful FEHA and California constitutional claims.
10. At summary judgment, the court considers evidence with content that would be admissible at trial even if the evidence is presented in a form that would not itself be admissible at trial, and unsupported objections duplicative of the summary-judgment standard may be disregarded.

KEY QUOTATIONS

“Summary judgment may be granted when the evidence shows that there is no genuine issue as to any material fact and the moving party is entitled to a judgment as a matter of law.” (at 3)

“religious beliefs need not be acceptable, logical, consistent, or comprehensible to others.” (at 13)

“the employer need not adopt the most reasonable accommodation nor must the employer accept the remedy preferred by the employee.” (at 14)

“A workplace may give rise to liability when it is permeated with discriminatory [] intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the victim’s employment and create an abusive working environment[.]” (at 16)

“The essence of a Bane Act claim is that the defendant, by the specified improper means (i.e., ‘threats, intimidation or coercion’), tried to or did prevent the plaintiff from doing something he or she had the right to do under the law or to force the plaintiff to do something that he or she was not required to do under the law.” (at 19)

FACTUAL BACKGROUND

Sullivan worked as a Pro Account Sales Associate at Home Depot's Carmichael, California store, a position requiring direct contact with employees and customers. After returning from leave on January 2, 2023, she refused to wear a mask even though the store was in COVID-19 outbreak status and masking was required under applicable state and workplace requirements. Home Depot offered her unpaid leave until the store left outbreak status, but she refused both the accommodation and an instruction to leave the store; she was terminated for

insubordination. Sullivan claimed that masking conflicted with her religious beliefs and asserted related medical-condition, retaliation, Bane Act, privacy, and public-policy claims.

PROCEDURAL HISTORY

Kelley Sullivan sued Home Depot asserting nine causes of action, including FEHA religious-discrimination, failure-to-accommodate, harassment, medical-condition discrimination and harassment, retaliation, Bane Act, California constitutional privacy, and wrongful termination in violation of public policy claims. Sullivan dismissed her medical-experimentation claim. Home Depot moved for summary judgment, and the court granted the motion on all remaining claims, directed entry of judgment, and ordered the case closed.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 323, 325 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 250-52, 255 (1986)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 585-88 (1986)
- T.W. Elec. Serv., Inc. v. Pac. Elec. Contractors Ass'n, 809 F.2d 626, 631 (9th Cir. 1987)
- Fraser v. Goodale, 342 F.3d 1032, 1036 (9th Cir. 2003)
- Block v. City of Los Angeles, 253 F.3d 410, 418-19 (9th Cir. 2001)
- Burch v. Regents of Univ. of Cal., 433 F. Supp. 2d 1110, 1119 (E.D. Cal. 2006)
- Khoja v. Orexigen Therapeutics, Inc., 899 F.3d 988, 999 (9th Cir. 2018)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802-05 (1973)
- DeJung v. Superior Court, 169 Cal. App. 4th 533, 549-50 (2008)
- Guz v. Bechtel Nat. Inc., 24 Cal. 4th 317, 355 (2000)
- Hittle v. City of Stockton, Cal., 101 F.4th 1000, 1012 (9th Cir. 2024)
- Cal. Fair Emp. & Hous. Comm'n v. Gemini Aluminum Corp., 122 Cal. App. 4th 1004, 1020 (2004)
- Mayes v. Kaiser Found. Hosp., 917 F. Supp. 2d 1074, 1079-80 (E.D. Cal. 2013)
- Bolden-Hardge v. Off. of Cal. State Controller, 63 F.4th 1215, 1222 & n.2 (9th Cir. 2023)
- Soldinger v. Nw. Airlines, Inc., 51 Cal. App. 4th 345, 370 (1996)
- Malnak v. Yogi, 592 F.2d 197 (3d Cir. 1979)
- Friedman v. Southern Cal. Permanente Med. Grp., 102 Cal. App. 4th 39, 66 (2002)
- Meintser v. T-Mobile USA, Inc., No. 2:23-cv-02562-TLN-CKD, 2024 WL 4289579, at *5-6 (E.D. Cal. Sept. 25, 2024)
- Detwiler v. Mid-Columbia Medical Center, 2025 WL 2700000, at *6 (9th Cir. 2025)
- Roby v. McKesson Corp., 47 Cal. 4th 686, 706 (2009)
- Serri v. Santa Clara Univ., 226 Cal. App. 4th 830, 869-70 (2014)

- Lyle v. Warner Bros. Television Prods., 38 Cal. 4th 264, 279, 283 (2006)
- Lawler v. Montblanc N. Am., LLC, 704 F.3d 1235, 1244 (9th Cir. 2013)
- Wilkin v. Community Hospital of the Monterey Peninsula, 71 Cal. App. 5th 806, 828 (2021)
- Nazir v. United Airlines, Inc., 178 Cal. App. 4th 243, 287 (2009)
- Hodges v. Cedars-Sinai Med. Ctr., 91 Cal. App. 5th 894, 914 (2023)
- Shoyoye v. County of Los Angeles, 203 Cal. App. 4th 947, 955-56, 959 (2012)
- City and County of San Francisco v. Ballard, 136 Cal. App. 4th 381, 408 (2006)
- Hill v. National Collegiate Athletic Ass'n, 7 Cal. 4th 1, 20, 37 (1994)
- Wilson v. Cal. Health Facilities Com., 110 Cal. App. 3d 317, 324 (1980)
- Williams v. Superior Court, 3 Cal. 5th 531, 552 (2017)
- Ashcroft v. Southern Cal. Permanente Med. Grp., 763 F. Supp. 3d 1133, 1143 (S.D. Cal. 2025)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-california-united-states-district-court-for/2025/kelley-sullivan-v-the-home-depot-u-s-a-inc-oe280am7>