

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Anthony Gunter v. Alutiiq Advanced Security Solutions, LLC

Civil No. 1:20-cv-03410-JRR (D. Md. Feb. 27, 2026) · No. 1:20-cv-03410-JRR · Decided February 27, 2026

SUMMARY

The United States District Court for the District of Maryland considers Alutiiq Advanced Security Solutions, LLC’s motion for summary judgment in Anthony Gunter’s employment-discrimination and whistleblower-retaliation action. The claims arise under the ADEA, MFEPA, the False Claims Act, and the Defense Contractor Whistleblower Protection Act. The court concludes that no genuine dispute of material fact requires trial and grants Defendant’s motion for summary judgment on all claims.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Julie R. Rubin
JURISDICTION	United States District Court for the District of Maryland
DECIDED	February 27, 2026
DOCKET	1:20-cv-03410-JRR
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment on all eight employment-related claims in Plaintiff's Fourth Amended Complaint. The district court granted the motion and denied Plaintiff's request to reconsider an earlier denial of his motion for summary judgment.
STANDARD OF REVIEW	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 viewed facts and reasonable inferences in the light most favorable to the nonmovant, but could not weigh evidence or make credibility determinations.
PRECEDENTIAL VALUE	unpublished
PARTIES	Anthony Gunter v. Alutiiq Advanced Security Solutions, LLC

TOPICS

- age discrimination
- retaliation
- hostile work environment
- whistleblower
- summary judgment

PRACTICE AREAS

employment law

employment discrimination

civil rights

whistleblower retaliation

civil procedure

QUESTIONS PRESENTED

1. Whether Gunter exhausted his administrative remedies for his ADEA and MFEPA retaliation, physical-fitness-testing discrimination, and hostile-work-environment claims.
2. Whether Gunter presented sufficient evidence to establish ADEA or MFEPA retaliation.
3. Whether Gunter presented sufficient evidence of age discrimination based on physical fitness testing or failure to promote.
4. Whether the alleged physical fitness testing and failure to promote constituted an actionable age-based hostile work environment under the ADEA or MFEPA.
5. Whether Gunter presented sufficient evidence to establish retaliation under the False Claims Act.
6. Whether Gunter presented sufficient evidence to establish retaliation under the Defense Contractor Whistleblower Protection Act.

HOLDINGS

1. Gunter's ADEA and MFEPA retaliation, physical-fitness-testing discrimination, and hostile-work-environment claims were reasonably related to his EEOC charge and were therefore sufficiently exhausted.
2. Alutiiq was entitled to summary judgment on the ADEA and MFEPA retaliation claims because Gunter failed to produce evidence establishing a causal nexus between protected activity and the alleged adverse actions.
3. Gunter failed to establish a prima facie case of age discrimination based on physical fitness testing because he presented no evidence linking the testing to his age or identifying similarly situated comparators.
4. Alutiiq was entitled to summary judgment on Gunter's ADEA and MFEPA failure-to-promote claims because Gunter did not show that he applied for the position and, in any event, did not show that Alutiiq's stated reason was pretextual.
5. The alleged physical fitness testing and two promotion denials did not constitute an actionable age-based hostile work environment under the ADEA or MFEPA.
6. Gunter failed to establish FCA retaliation because he did not show that Alutiiq knew of protected FCA activity or took adverse action because of it.
7. Gunter failed to establish DCWPA retaliation because he did not show employer knowledge or that the alleged protected disclosure was a contributing factor in the challenged actions.

KEY QUOTATIONS

“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.”

“Based on the foregoing, there is no genuine dispute of material fact and Defendants are entitled to judgment as a matter of law on Plaintiff’s hostile work environment claims.”

FACTUAL BACKGROUND

Gunter, who was over 40, worked for Alutiiq as an armed security guard at the United States Coast Guard Yard. He was not selected for two Lead Officer openings, was allegedly required to complete physical fitness tests after the contractual testing requirement had ended, and claimed that he reported falsified timecards to the Department of Homeland Security Office of Inspector General. After he stopped reporting to scheduled shifts and did not respond to repeated communications, Alutiiq processed his separation as a voluntary resignation. Gunter asserted age discrimination, retaliation, hostile work environment, FCA retaliation, and DCWPA retaliation claims.

PROCEDURAL HISTORY

Gunter filed suit in November 2020 and later filed a Fourth Amended Complaint asserting ADEA, MFEPA, FCA, and DCWPA claims. The court previously dismissed the action as a sanction for spoliation-related misconduct, but the Fourth Circuit vacated the dismissal and remanded for further proceedings while affirming monetary sanctions and denial of recusal. After discovery on remand, Alutiiq moved for summary judgment, which the court granted on all claims.

DISPOSITION

other

CASES CITED

- *Edokobi v. Toyota Motor Credit Corp.*, No. PWG-19-248, 2019 WL 2250568, at *3–4 (D. Md. May 24, 2019)
- *Gunter v. Alutiiq Advanced Sec. Sols., LLC*, No. 23-1229, 2024 WL 3949262, at *1–2 (4th Cir. Aug. 27, 2024)
- *Pettis v. House of Ruth Maryland, Inc.*, No. 04-2443, 2006 WL 6507699, at *1 (4th Cir. Mar. 6, 2006)
- *Ross v. Communication Satellite Corp.*, 759 F.2d 355, 360 (4th Cir. 1985)
- *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989)
- *Libertarian Party of Va. v. Judd*, 718 F.3d 308, 312–13 (4th Cir. 2013)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248–49, 252 (1986)
- *Bouchat v. Balt. Ravens Football Club, Inc.*, 346 F.3d 514, 526 (4th Cir. 2003)
- *Drewitt v. Pratt*, 999 F.2d 774, 778–79 (4th Cir. 1993)
- *Robinson v. Priority Auto. Huntersville, Inc.*, 70 F.4th 776, 780 (4th Cir. 2023)
- *Wai Man Tom v. Hospitality Ventures, LLC*, 980 F.2d 1027, 1037 (4th Cir. 2020)
- *Scott v. Harris*, 550 U.S. 372, 378 (2007)
- *Foster v. Univ. of Md.-Eastern Shore*, 787 F.3d 243, 248–50 (4th Cir. 2015)

- *Mercantile Peninsula Bank v. French*, 499 F.3d 345, 352 (4th Cir. 2007)
- *Jacobs v. N.C. Admin. Office of the Courts*, 780 F.3d 562, 569 (4th Cir. 2015)
- *Tolan v. Cotton*, 572 U.S. 650, 656–57 (2014)
- *Elijah v. Dunbar*, 66 F.4th 454, 460 (4th Cir. 2023)
- *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)
- *Bd. of Trustees, Sheet Metal Workers' Nat'l Pension Fund v. Four-C-Aire, Inc.*, 42 F.4th 300, 315 (4th Cir. 2022)
- *Beale v. Hardy*, 769 F.2d 213, 214 (4th Cir. 1985)
- *Walton v. Harker*, 33 F.4th 165, 171–72, 175 (4th Cir. 2022)
- *Bush v. Frederick Cnty. Pub. Schs.*, No. 23-1127, 2024 WL 639255, at *3 (4th Cir. Feb. 15, 2024)
- *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101, 109 (2002)
- *Watson v. Bd. of Educ. for Prince George's Cnty.*, No. 2006, Sept. Term, 2019, 2021 WL 4893594, at *16 (Md. Ct. Spec. App. Oct. 20, 2021)
- *Smith v. First Union Nat. Bank*, 202 F.3d 234, 247 (4th Cir. 2000)
- *Stewart v. Iancu*, 912 F.3d 693, 699 (4th Cir. 2019)
- *Woodford v. Ngo*, 548 U.S. 81, 89 (2006)
- *Parker v. Reema Consulting Servs., Inc.*, 915 F.3d 297, 306 (4th Cir. 2019)
- *Dennis v. County of Fairfax*, 55 F.3d 151, 156 (4th Cir. 1995)
- *Balas v. Huntington Ingalls Indus., Inc.*, 711 F.3d 401, 408, 410–11 (4th Cir. 2013)
- *Mercer v. PHH Corp.*, 641 F. App'x 233, 238–39 (4th Cir. 2016)
- *Gibson v. Marjack Co.*, 718 F. Supp. 2d 649, 655 (D. Md. 2010)
- *Pitts v. Baltimore Police Dep't*, No. CV RDB-22-1404, 2023 WL 3158705, at *7 (D. Md. Apr. 28, 2023)
- *Gross v. FBL Fin. Servs., Inc.*, 557 U.S. 167, 177–78 (2009)
- *Warch v. Ohio Cas. Ins. Co.*, 435 F.3d 510, 520 (4th Cir. 2006)
- *Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133, 141, 147 (2000)
- *Johnson v. Baltimore City, Maryland*, 163 F.4th 808, 815 (4th Cir. 2026)
- *Wannamaker-Amos v. Purem Novi, Inc.*, 126 F.4th 244, 255, 257 (4th Cir. 2025)
- *White v. BFI Waste Servs., LLC*, 375 F.3d 288, 295 (4th Cir. 2004)
- *Swaso v. Onslow Cnty. Bd. of Educ.*, 698 F. App'x 745, 748 (4th Cir. 2017)
- *Perkins v. Int'l Paper Co.*, 936 F.3d 196, 207 (4th Cir. 2019)
- *Coleman v. Maryland Ct. of Appeals*, 626 F.3d 187, 190 (4th Cir. 2010), *aff'd sub nom.* 566 U.S. 30 (2012)
- *Muldrow v. City of St. Louis, Missouri*, 601 U.S. 346, 354–55 (2024)
- *Oncale v. Sundowner Offshore Servs., Inc.*, 523 U.S. 75, 78 (1998)
- *St. Mary's Honor Ctr. v. Hicks*, 509 U.S. 502, 507 (1993)
- *Texas Dep't of Cmty. Affs. v. Burdine*, 450 U.S. 248, 253–55 (1981)
- *Baqir v. Principi*, 434 F.3d 733, 742, 745–46 (4th Cir. 2006)
- *Royster v. Gahler*, 154 F. Supp. 3d 206, 235 (D. Md. 2015)

- *Pense v. Maryland Dep't of Pub. Safety & Corr. Servs.*, 926 F.3d 97 (4th Cir. 2019)
- *Martin v. Scott & Stringfellow, Inc.*, 643 F. Supp. 2d 770, 786 (E.D. Va. 2009)
- *Chatman v. Hegseth*, No. 1:24-CV-1585 (LMB/WEF), 2025 WL 2432722, at *10 (E.D. Va. Aug. 22, 2025)
- *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 21–23 (1993)
- *Barnhill v. Bondi*, 138 F.4th 123, 140 (4th Cir. 2025)
- *Laurent-Workman v. Wormuth*, 54 F.4th 201, 218 (4th Cir. 2022)
- *Faragher v. City of Boca Raton*, 524 U.S. 775, 788 (1998)
- *McIver v. Bridgestone Americas, Inc.*, 42 F.4th 398, 407 (4th Cir. 2022)
- *E.E.O.C. v. Sunbelt Rentals, Inc.*, 521 F.3d 306, 315–16 (4th Cir. 2008)
- *Buchhagen v. ICF Int'l, Inc.*, 545 F. App'x 217, 219 (4th Cir. 2013)
- *Bass v. E.I. DuPont de Nemours & Co.*, 324 F.3d 761, 765 (4th Cir. 2003)
- *Felder v. Chimes D.C., Inc.*, No. 092, Sept. Term, 2021, 2022 WL 17974614, at *7 (Md. Ct. Spec. App. Dec. 28, 2022)
- *Walters v. Chimes D.C., Inc.*, No. 253, Sept. Term, 2021, 2022 WL 17974610, at *5 (Md. Ct. Spec. App. Dec. 28, 2022)
- *Worthy v. Chimes D.C., Inc.*, No. 034, Sept. Term, 2021, 2022 WL 17974613, at *6 (Md. Ct. Spec. App. Dec. 28, 2022)
- *Glynn v. EDO Corp.*, 710 F.3d 209, 213–14 (4th Cir. 2013)
- *Zahodnick v. Int'l Bus. Mach. Corp.*, 135 F.3d 911, 914 (4th Cir. 1997)
- *Leverette v. Louis Berger U.S., Inc.*, No. 22-1891, 2024 WL 2355419, at *1 (4th Cir. May 23, 2024)
- *Skibo on behalf of United States v. Greer Lab'ys, Inc.*, 841 F. App'x 527, 534 (4th Cir. 2021)
- *United States ex rel. Cody v. ManTech Int'l Corp.*, 746 F. App'x 166, 176–78 (4th Cir. 2018)
- *U.S. ex rel. Parks v. Alparma, Inc.*, 493 F. App'x 380, 388 (4th Cir. 2012)
- *Mann v. Heckler & Koch Def., Inc.*, 630 F.3d 338, 344 (4th Cir. 2010)
- *Eberhardt v. Integrated Design & Constr., Inc.*, 167 F.3d 861, 868 (4th Cir. 1999)
- *Austin v. Charleston Day Sch.*, No. 2:23-CV-02899-JD, 2025 WL 1753694, at *10 (D.S.C. June 25, 2025)
- *Nifong v. SOC, LLC*, 234 F. Supp. 3d 739, 754–55 (E.D. Va. 2017)
- *United States ex rel. Dillard v. Fluor Corp., Inc.*, No. 22-1450, 2023 WL 8618545, at *1 (4th Cir. Dec. 13, 2023)
- *Greer v. Gen. Dynamics Info. Tech., Inc.*, 808 F. App'x 191, 193 (4th Cir. 2020)
- *United States ex rel. Cody v. Mantech Int'l Corp.*, 207 F. Supp. 3d 610, 621 (E.D. Va. 2016)
- *Feldman v. Law Enf't Assocs. Corp.*, 752 F.3d 339, 348 (4th Cir. 2014)
- *Harvey v. Cable News Network, Inc.*, 48 F.4th 257, 278 (4th Cir. 2022)
- *Sanders v. Callender*, No. CV DKC 17-1721, 2018 WL 337756, at *7 (D. Md. Jan. 9, 2018)
- *Estate of Zimmerman v. Blatter*, 458 Md. 698, 728 (2018)