

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
OKLAHOMA

Kathleen Holbrook v. Anchor Glass Container Corporation

Holbrook v. Anchor Glass Container Corp., Case No. 22-CV-229-FAB-JAR (E.D. Okla. May 6, 2026) · No. 22-CV-229-FAB-JAR · Decided May 6, 2026

SUMMARY

The United States District Court for the Eastern District of Oklahoma reviews objections to a magistrate judge’s Report and Recommendation concerning Anchor Glass Container Corporation’s motion for summary judgment. The opinion addresses claims under the ADA and Title VII, including failure to accommodate, discriminatory discharge, retaliation, hostile work environment, and related procedural issues. The court grants summary judgment on the ADA failure-to-accommodate claim and continues its analysis of the ADA discriminatory-discharge claim in the provided excerpt.

CASE DETAILS

COURT	United States District Court for the Eastern District of Oklahoma
WRITING FOR THE COURT	Francisco A. Besosa, Senior United States District Judge
JURISDICTION	United States District Court for the Eastern District of Oklahoma
DECIDED	May 6, 2026
DOCKET	22-CV-229-FAB-JAR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's Report and Recommendation addressing defendant's motion for summary judgment. The district court conducted de novo review of the properly objected-to portions and reviewed the remaining recommendations before ruling on the motion.
STANDARD OF REVIEW	The court reviewed properly stated objections to the Report and Recommendation de novo under Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1). Summary judgment was proper only if there was no genuine dispute of material fact and the movant was entitled to judgment as a matter of law under Federal Rule of Civil Procedure 56(a).
PRECEDENTIAL VALUE	persuasive

PARTIES

Kathleen Holbrook v. Anchor Glass Container Corporation

TOPICS

ada discrimination

disability discrimination

reasonable accommodation

summary judgment

civil procedure

PRACTICE AREAS

employment law

disability discrimination

civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether the magistrate judge properly recommended summary judgment on Holbrook's ADA failure-to-accommodate claim for failure to identify a vacant position.
2. Whether disputed evidence regarding Holbrook's request for reassignment and the availability of a cold-end position created a genuine issue of material fact concerning the ADA interactive process and reasonable accommodation.
3. Whether Holbrook presented sufficient evidence for a jury to find that Anchor Glass terminated her because of her disability rather than for violating its attendance policy.
4. Whether summary judgment should be granted on Holbrook's Title VII and FMLA claims.

HOLDINGS

1. Summary judgment was proper for Anchor Glass because Holbrook failed to specifically identify and show that a vacant cold-end position was available at or about the time she requested reassignment.
2. Summary judgment was denied on Holbrook's ADA disability-discrimination claim because the evidence, viewed favorably to Holbrook, permitted an inference that she was terminated because of her disability and permitted a jury to find Anchor Glass's attendance-policy explanation pretextual.
3. Summary judgment was granted for Anchor Glass on all of Holbrook's Title VII and FMLA claims, and those claims were dismissed with prejudice.

KEY QUOTATIONS

“Despite the importance [of the interactive process, it] is only a means to an end . . . [a]n employer is not required to engage an employee in a futile interactive process where . . . no reasonable accommodation was possible.” (18)

“This uncertainty of whether Ms. Holbrook needed to report her absences when she did not have a scheduled shift casts doubt on the policy being the real reason for her termination.” (26)

FACTUAL BACKGROUND

Anchor Glass employed Kathleen Holbrook at its Henryetta, Oklahoma plant in several positions, including work in the hot end and cold end. After Holbrook suffered a broken arm and underwent two surgeries, Anchor

Glass approved FMLA and disability leave. Her physician issued a form indicating that she had been released to return to work on January 13, 2021, and Anchor Glass terminated her on February 5, 2021, citing her failure to provide requested return-to-work documentation and failure to report off. Holbrook asserted that she could not perform the hot-end job because of her arm but could work in the cold end, and she disputed whether she had requested reassignment and whether the attendance policy applied while she was not scheduled to work.

PROCEDURAL HISTORY

Holbrook filed the action on August 16, 2022, asserting Title VII, FMLA, and ADA claims. Anchor Glass moved for summary judgment after discovery closed. Magistrate Judge Jason A. Robertson recommended granting summary judgment on all claims. Holbrook objected only to the recommendations concerning her ADA claims. The district court adopted the recommendation in part, rejected it in part, granted summary judgment on the Title VII, FMLA, and ADA failure-to-accommodate claims, and denied summary judgment on the ADA disability-discrimination claim.

DISPOSITION

other

CASES CITED

- Klein v. Harper, 777 F.3d 1144, 1147 (10th Cir. 2015)
- Silva v. United States, 45 F.4th 1134, 1136 n. 2 (10th Cir. 2022)
- United States v. One Parcel of Real Property Known as 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996)
- Davis v. GEO Group Corrections, Inc., No. CIV-16-00462-PRW, 2023 WL 2536727, at *1 (W.D. Okla. Mar. 16, 2023)
- Summers v. State of Utah, 927 F.2d 1165, 1167-68 (10th Cir. 1991)
- United States v. Kirby, No. 23-CR-026-JFH, 2023 WL 3956685, at *2-3 (E.D. Okla. June 12, 2023)
- Adler v. Walmart Stores, Inc., 144 F.3d 664, 670 (10th Cir. 1998)
- Lazy S Ranch Properties, LLC v. Valero Terminaling and Distribution Co., 92 F.4th 1189, 1198 (10th Cir. 2024)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 250, 252 (1986)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 586-88 (1986)
- Forth v. Laramie County School District No. 1, 85 F.4th 1044, 1052 (10th Cir. 2023)
- Norwood v. United Parcel Service, Inc., 57 F.4th 779, 790 (10th Cir. 2023)
- Aubrey v. Koppes, 975 F.3d 995, 1005-07, 1014 (10th Cir. 2020)
- Lincoln v. BNSF Railway, 900 F.3d 1166, 1204 (10th Cir. 2018)
- Kobbes v. ???
- Smith v. Midland Brake, Inc., a Div. of Echlin, Inc., 180 F.3d 1154, 1171, 1179 (10th Cir. 1999)
- Valdez v. McGill, 462 F. App'x 814, 819 (10th Cir. 2012)
- Iverson v. City of Shawnee, Kan., 332 F. App'x 501, 503-04 (10th Cir. 2009)

- Odell v. Kalitta Air, LLC, 678 F. Supp. 3d 904, 923-24 (E.D. Mich. 2023)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802 (1973)
- Buhrman v. Aureus Medical Group, 519 F. Supp. 3d 923, 930 (D. Colo. 2021)
- Trujillo v. PacifiCorp, 524 F.3d 1149, 1155, 1157-58 (10th Cir. 2008)
- Foster v. Mountain Coal Co., LLC, 830 F.3d 1178, 1191 (10th Cir. 2016)
- Anderson v. Coors Brewing Co., 181 F.3d 1171, 1179 (10th Cir. 1999)
- Marx v. Schnuck Markets, Inc., 76 F.3d 324, 329 (10th Cir. 1996)
- Webb v. Level 3 Communications, LLC, 167 F. App'x 725, 731 (10th Cir. 2006) (unpublished)
- E.E.O.C. v. C.R. England, Inc., 644 F.3d 1028, 1044 (10th Cir. 2011)
- Zamora v. Elite Logistics, Inc., 478 F.3d 1160, 1166 (10th Cir. 2007)
- McKnight v. Kimberly Clark Corp., 149 F.3d 1125, 1130 (10th Cir. 1998)
- DePaula v. Easter Seals El Mirador, 859 F.3d 957, 970 (10th Cir. 2017)
- Didier v. Abbott Laboratories, 614 F. App'x 366, 374 (10th Cir. 2015)
- Kendrick v. Penske Transportation Services, Inc., 220 F.3d 1220, 1230 (10th Cir. 2000)
- Morgan v. Hilti, Inc., 108 F.3d 1319, 1323 (10th Cir. 1997)
- Texas Department of Community Affairs v. Burdine, 450 U.S. 248, 253 (1981)