

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, LOUISVILLE DIVISION

Fred L. McDowell v. Raytheon Company

McDowell · No. 3:23-CV-00599-GNS-RSE · Decided December 11, 2025

SUMMARY

This memorandum opinion and order addresses Raytheon Company’s motion for summary judgment in Fred L. McDowell’s action under the Kentucky Civil Rights Act. McDowell alleges age discrimination and retaliation arising from his reassignment from the ELX line, subsequent workplace treatment, and a performance review. The opinion analyzes direct and circumstantial evidence, the McDonnell Douglas framework, the prima facie case, Raytheon’s asserted nondiscriminatory reason, and pretext; the provided text ends before the court’s final disposition.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Louisville Division
WRITING FOR THE COURT	Greg N. Stivers
JURISDICTION	United States District Court for the Western District of Kentucky, Louisville Division
DECIDED	December 11, 2025
DOCKET	3:23-CV-00599-GNS-RSE
DISPOSITION	other
PROCEDURAL POSTURE	Raytheon moved for summary judgment on McDowell's Kentucky Civil Rights Act age-discrimination and retaliation claims after removal from Kentucky state court.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that no genuine dispute exists as to any material fact and that the movant is entitled to judgment as a matter of law. The court views the evidence in the light most favorable to the nonmoving party, but the nonmoving party must identify admissible evidence creating a genuine dispute for trial.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive value only

PARTIES

Fred L. McDowell v. Raytheon Company

TOPICS

age discrimination

retaliation

summary judgment

employment law

civil procedure

PRACTICE AREAS

Employment law

Civil rights

Civil procedure

QUESTIONS PRESENTED

1. Whether McDowell presented sufficient evidence to create a genuine dispute of material fact on his Kentucky Civil Rights Act age-discrimination claim.
2. Whether McDowell presented sufficient evidence that he suffered a materially adverse employment action in retaliation for reporting alleged age discrimination to human resources and the EEOC.

HOLDINGS

1. McDowell presented sufficient evidence for a reasonable jury to find a prima facie case of age discrimination and to find Raytheon's stated reasons for reassigning him pretextual; summary judgment was therefore denied on the age-discrimination claim.
2. McDowell failed to present evidence that he suffered a materially adverse employment action because of his complaints to human resources or the EEOC, so he could not establish a prima facie retaliation claim and Raytheon was entitled to summary judgment on that claim.

KEY QUOTATIONS

“Summary judgment is appropriate when “the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”” (at 4)

“The Court will not consider this evidence at this stage of the McDonnell Douglas framework: [A] court may not consider the employer’s alleged nondiscriminatory reason for taking an adverse employment action when analyzing the prima facie case.” (at 12)

“Because Raytheon and its management have offered changing explanations why McDowell was moved, a reasonable jury could determine that the proffered reasons are pretext.” (at 17)

“Because McDowell cannot establish that he suffered an adverse employment action as a result of his reports, he cannot make out a prima facie case of retaliation and his claim fails.” (at 20)

FACTUAL BACKGROUND

McDowell, an employee over forty, worked for Raytheon as an Ordnance Equipment Mechanic and was assigned to the prestigious ELX line. During a February 2023 meeting concerning staffing, supervisor Joe Justice stated that Raytheon would place "young" or "fresh, new, young" mechanics on the line; McDowell complained to human resources and was later reassigned to the Gun and Ammo line, where he continued training

younger workers. McDowell filed an EEOC charge alleging race and age discrimination and later retaliation based on a performance review. He ultimately stopped working after injuries and was terminated under the collective bargaining agreement, but the claims at issue concerned his reassignment and alleged retaliation.

PROCEDURAL HISTORY

McDowell sued Raytheon in Jefferson Circuit Court, Kentucky, alleging age discrimination and retaliation under the Kentucky Civil Rights Act. Raytheon removed the action to the Western District of Kentucky, and after discovery moved for summary judgment. The court granted summary judgment on the retaliation claim but denied it on the age-discrimination claim.

DISPOSITION

other

CASES CITED

- Minadeo v. ICI Paints, 398 F.3d 751, 761 (6th Cir. 2005)
- Street v. J.C. Bradford & Co., 886 F.2d 1472, 1479 (6th Cir. 1989)
- Celotex Corp. v. Catrett, 477 U.S. 317, 325 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48, 252 (1986)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986)
- Howard Baer, Inc. v. Schave, 127 S.W.3d 589, 592 (Ky. 2003)
- Williams v. Wal-Mart Stores, Inc., 184 S.W.3d 492, 495 (Ky. 2005)
- Bd. of Regents of N. Ky. Univ. v. Weickgenannt, 485 S.W.3d 299, 305 (Ky. 2016)
- Back v. Nestle USA, Inc., 694 F.3d 571, 575-76, 579 (6th Cir. 2012)
- Allen v. Highlands Hosp. Corp., 545 F.3d 387, 393 (6th Cir. 2008)
- Pelcha v. MW Bancorp., Inc., 988 F.3d 318, 324-26 (6th Cir. 2021)
- Rowan v. Lockheed Martin Energy Sys., Inc., 360 F.3d 544, 548 (6th Cir. 2004)
- Gohl v. Livonia Pub. Schs. Sch. Dist., 836 F.3d 672, 683 (6th Cir. 2016)
- Kline v. Tenn. Valley Auth., 128 F.3d 337, 348 (6th Cir. 1997)
- Barnes v. GenCorp Inc., Barnes v. GenCorp Inc., 896 F.2d 1457, 1466 (6th Cir. 1990)
- Scheick v. Tecumseh Pub. Schs., 766 F.3d 523, 530 (6th Cir. 2014)
- Zivkovic v. Juniper Networks, Inc., 450 F. Supp. 2d 815, 823 (N.D. Ohio 2006)
- Harris v. Giant Eagle Inc., 133 F. App'x 288, 293 (6th Cir. 2005)
- Scott v. Potter, 182 F. App'x 521, 526 (6th Cir. 2006)
- Diebel v. L & H Res., LLC, 492 F. App'x 523, 527 (6th Cir. 2012)
- Peters v. Lincoln Elec. Co., 285 F.3d 456, 478 (6th Cir. 2002)
- Cooley v. Carmike Cinemas, Inc., 25 F.3d 1325, 1330 (6th Cir. 1994)
- Alberty v. Columbus Twp., 730 F. App'x 352, 357 (6th Cir. 2018)

- Sanders v. Lincoln Cnty., 231 F. Supp. 3d 290, 296 (E.D. Tenn. 2017)
- Williams v. Ctr. for Health Affs., No. 1:06-CV-0371, 2007 WL 3146093, at *7 (N.D. Ohio Oct. 24, 2007)
- Cronk v. Nationwide Mut. Ins. Co., 376 F. Supp. 2d 800, 805 (E.D. Tenn. 2005)
- George v. Youngstown State Univ., 966 F.3d 446, 464 (6th Cir. 2020)
- Mitchell v. Vanderbilt Univ., 389 F.3d 177, 181-82 (6th Cir. 2004)
- Ercegovich v. Goodyear Tire & Rubber Co., 154 F.3d 344, 350 (6th Cir. 1998)
- Kocsis v. Multi-Care Mgmt., Inc., 97 F.3d 876, 883, 885-86 (6th Cir. 1996)
- Blackburn v. Shelby Cnty., 770 F. Supp. 2d 896, 921 (W.D. Tenn. 2011)
- White v. Burlington N. & Santa Fe Ry. Co., 364 F.3d 789, 797 (6th Cir. 2004)
- Coomer v. Bethesda Hosp., Inc., 370 F.3d 499, 511 (6th Cir. 2004)
- Tuttle v. Metro. Gov't of Nashville, 474 F.3d 307, 317, 321-23 (6th Cir. 2007)
- Willard v. Huntington Ford, Inc., 952 F.3d 795, 808 (6th Cir. 2020)
- Blizzard v. Marion Tech. Coll., 698 F.3d 275, 283 (6th Cir. 2012)
- Mickey v. Zeidler Tool & Die Co., 516 F.3d 516, 521-22 (6th Cir. 2008)
- Hale v. ABF Freight Sys., Inc., 503 F. App'x 323, 333 (6th Cir. 2012)
- Wexler v. White's Fine Furniture, Inc., 317 F.3d 564, 574, 576 (6th Cir. 2003)
- Tex. Dep't of Cmty. Affs. v. Burdine, 450 U.S. 248, 254 (1981)
- Pierson v. Quad/Graphics Printing Corp., 749 F.3d 530, 540 (6th Cir. 2014)
- Cicero v. Borg-Warner Auto., Inc., 280 F.3d 579, 592 (6th Cir. 2002)
- Thurman v. Yellow Freight Sys., 90 F.3d 1160, 1167 (6th Cir. 1996), amended on other grounds, 97 F.3d 833 (6th Cir. 1997)
- Asmo v. Keane, Inc., 471 F.3d 588, 596 (6th Cir. 2006)
- Coburn v. Rockwell Automation, Inc., 238 F. App'x 112, 122 (6th Cir. 2007)
- Seay v. Tenn. Valley Auth., 339 F.3d 454, 468 (6th Cir. 2003)
- Hamilton v. Gen. Elec. Corp., 556 F.3d 428, 435 (6th Cir. 2009)
- Banks v. Bosch Rexroth Corp., 610 F. App'x 519, 532 (6th Cir. 2015)
- Montell v. Diversified Clinical Servs., Inc., 757 F.3d 497, 504 (6th Cir. 2014)
- Pike v. Hardin Cnty. Water Dist. No. 2, No. 3:23-CV-42-DJH-RSE, 2024 WL 1199439, at *3 (W.D. Ky. Mar. 20, 2024)
- Banados v. Alto-Shaam, Inc., No. 5:22-125-DCR, 2022 WL 2252750, at *2 (E.D. Ky. June 22, 2022)
- Taylor v. Geithner, 703 F.3d 328, 336 (6th Cir. 2013)
- Garner v. Cuyahoga Cnty. Juv. Ct., 554 F.3d 624, 639 (6th Cir. 2009)
- Burlington N. & Santa Fe Ry. Co. v. White, 548 U.S. 53, 67-68 (2006)
- Birch v. Cuyahoga Cnty. Prob. Ct., 392 F.3d 151, 169 (6th Cir. 2004)
- Allen v. Mich. Dep't of Corr., 165 F.3d 405, 410 (6th Cir. 1999)
- Perry v. AutoZoners, LLC, 954 F. Supp. 2d 599, 613 (W.D. Ky. 2013)
- Morris v. Oldham Cnty. Fiscal Ct., 201 F.3d 784, 789 (6th Cir. 2000)

