

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT DAYTON

Kevin Banks v. Greene County, Ohio, et al.

Banks · No. 3:23-cv-343 · Decided January 16, 2026

SUMMARY

The United States District Court for the Southern District of Ohio denied Defendants’ motion for summary judgment in Kevin Banks’s employment-discrimination and retaliation case against Greene County, Ohio, and related defendants. The Court identified disputed factual issues concerning comparator employees, the treatment of a probationary employee, the resignation process, the Older Workers Benefit Protection Act, the underlying investigation, and alleged age- and FMLA-related comments. The case was referred for mediation.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Dayton
WRITING FOR THE COURT	Michael J. Newman
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division at Dayton
DECIDED	January 16, 2026
DOCKET	3:23-cv-343
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment on Banks's federal and state age-discrimination and retaliation claims, Family and Medical Leave Act claims, and Ohio aiding-and-abetting claim. The district court denied the motion and referred the matter for mediation.
STANDARD OF REVIEW	Summary judgment is proper when the record shows no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court must view the evidence in the light most favorable to the nonmoving party, may not weigh evidence or make credibility determinations, and requires the opposing party to identify specific facts showing a genuine issue for trial.
PRECEDENTIAL VALUE	Unknown; unpublished district court order.

TOPICS

summary judgment

age discrimination

retaliation

family and medical leave act

civil procedure

PRACTICE AREAS

employment law

civil rights

civil procedure

municipal law

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment on Banks's age-discrimination and retaliation claims under the ADEA and Ohio law.
2. Whether defendants were entitled to summary judgment on Banks's FMLA retaliation claim.
3. Whether the evidentiary record contained genuine disputes concerning comparator treatment, the stated reason for Banks's separation, the circumstances of his resignation, and the alleged age- and FMLA-related comments.

HOLDINGS

1. Defendants were not entitled to summary judgment because the record contained one or more genuine disputes of material fact.
2. The alleged comments and surrounding circumstances created factual disputes concerning who made the comments, their positions, timing, pervasiveness, and whether the investigation and resignation were pretextual or constituted constructive discharge; defendants therefore had not shown entitlement to judgment as a matter of law on those claims.

KEY QUOTATIONS

““Weighing of the evidence or making credibility determinations are prohibited at summary judgment -- rather, all facts must be viewed in the light most favorable to the non- moving party.”” (Section II)

“Accordingly, Defendant’s motion for summary judgment is *DENIED*.” (Section IV)

FACTUAL BACKGROUND

Banks worked for the Greene County Sheriff's Office from 2000 until his resignation in August 2022. He alleged that coworkers made age-based comments and criticized his use of FMLA leave, while management failed to intervene. After Banks directed a probationary deputy to photograph the breasts of a transgender sexual-assault victim and allegedly failed to follow applicable investigative procedures, the Sheriff's Office initiated an internal investigation; Banks was given twenty-four hours to choose between resigning and continuing a process that could result in termination, and he signed a pre-written resignation letter.

PROCEDURAL HISTORY

Kevin Banks, a former Greene County Sheriff's Office deputy sheriff, brought claims against Greene County and individual Sheriff's Office officials arising from his resignation following an internal investigation. Defendants moved for summary judgment. After reviewing the briefs and evidentiary record, the court concluded that

material factual disputes remained and denied summary judgment, referring the case for mediation and directing that it be scheduled for trial if mediation failed.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The case was referred to the magistrate judge serving as mediation coordinator for assignment to the appropriate magistrate judge for mediation. If mediation failed, the case was to be promptly scheduled for trial.

CASES CITED

- Keweenaw Bay Indian Community v. Rising, 477 F.3d 881, 886 (6th Cir. 2007)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48 (1986)
- Viergutz v. Lucent Technologies, Inc., 375 F. App'x 482, 485 (6th Cir. 2010)
- Guarino v. Brookfield Township Trustees, 980 F.2d 399, 404, 406 (6th Cir. 1992)