

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Promise N. Odunze v. Lake Effect, et al.

Odunze v. Lake Effect, No. 2:24-cv-00341-DBB-CMR (D. Utah Mar. 30, 2026) · No. 2:24-cv-00341-DBB-CMR · Decided March 30, 2026

SUMMARY

The United States District Court for the District of Utah overruled Plaintiff Promise N. Odunze’s objections, adopted in part and modified in part the magistrate judge’s report and recommendation, and granted Defendant Lake Effect’s motion for summary judgment. The court held that the EEOC’s emails notifying Plaintiff that documents were available through the EEOC Public Portal triggered Title VII’s 90-day filing period, making his federal claims untimely. The court denied Plaintiff’s motions to amend and for equitable tolling and dismissed the remaining state-law claims without prejudice for lack of supplemental jurisdiction.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	David Barlow
JURISDICTION	United States District Court for the District of Utah
DECIDED	March 30, 2026
DOCKET	2:24-cv-00341-DBB-CMR
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed Plaintiff's objections to a magistrate judge's report and recommendation addressing Defendant's motion for summary judgment, Plaintiff's motion for equitable tolling, and Plaintiff's motion to amend his opposition.
STANDARD OF REVIEW	The district court reviewed objected-to portions of the report and recommendation de novo under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b)(3). It reviewed the magistrate judge's ruling on nondispositive matters for clear error or legal error under Rule 72(a). Summary judgment was reviewed under Rule 56(a), and the court applied de novo review to the legal question whether the EEOC communications constituted receipt of notice under Title VII.
PRECEDENTIAL VALUE	unpublished

TOPICS

title vii

employment discrimination

summary judgment

evidence

civil procedure

PRACTICE AREAS

employment law

civil rights

civil procedure

evidence

QUESTIONS PRESENTED

1. Whether the EEOC emails notifying Odunze that documents related to his charge, including an agency decision, were available through the EEOC portal constituted receipt of the right-to-sue notice and began Title VII's 90-day filing period.
2. Whether the record contained a genuine dispute of material fact concerning the dates and receipt of the EEOC communications.
3. Whether the EEOC activity and email logs could be considered at summary judgment because their substance could be presented in admissible form as agency records.
4. Whether equitable tolling applied to the Title VII filing period based on the EEOC's notice language and Odunze's failure to read the emails promptly.
5. Whether the court should decline supplemental jurisdiction over the remaining state-law claims after dismissing the federal claims.
6. Whether the magistrate judge clearly erred by denying Odunze's motion to amend his opposition and by addressing related motions in one report and recommendation.

HOLDINGS

1. When the EEOC emails a claimant that documents related to the charge are available through the claimant's portal, and the claimant has access to the documents, the email notice can constitute receipt of the right-to-sue notice under 42 U.S.C. § 2000e-5(f)(1). Here, the January 27, 2024 email began the 90-day filing period.
2. Summary judgment was proper because no genuine dispute of material fact existed concerning the dates on which Odunze received the EEOC emails or his access to the right-to-sue documentation.
3. The court could consider the EEOC activity and email logs because their content or substance could be presented in admissible form as records of the EEOC's regularly conducted activity.
4. Equitable tolling was unwarranted because Odunze did not diligently pursue his rights and showed no extraordinary circumstance or active deception that prevented timely filing.
5. The court declined to exercise supplemental jurisdiction over the remaining state-law claims and dismissed them without prejudice.

KEY QUOTATIONS

“The court concludes that the McDonald approach is most applicable to the facts of Mr. Odunze's case.”
(Discussion § II.B)

“Because the evidence shows that Mr. Odunze had notice of and access to the Determination and Notice of Rights on January 27, 2024, that is the date the 90-day period began under 42 U.S.C. § 2000e-5(f)(1).”
(Discussion § II.B)

“A cluttered email inbox is not an “extraordinary” circumstance that would prevent an otherwise diligent plaintiff from asserting his rights.” (Discussion § II)

FACTUAL BACKGROUND

Odunze filed an EEOC charge on June 10, 2022. The EEOC issued a determination and notice of rights on January 27, 2024, uploaded it to Odunze's online portal, and sent emails on January 27 and February 4 informing him that documents or an important decision were available to view; it also mailed a physical notice that Odunze opened between February 17 and 20. Odunze filed suit on May 13, 2024, more than 90 days after the January 27 email but within 90 days of his asserted receipt of the mailed letter. He alleged racial and sexual discrimination and sought equitable tolling based on his failure to see the emails promptly.

PROCEDURAL HISTORY

Odunze filed Title VII and related state-law claims after receiving EEOC communications concerning a right-to-sue determination. The magistrate judge recommended dismissal of the Title VII claims as untimely, declining supplemental jurisdiction over the state-law claims, and denying the motions for equitable tolling and amendment. The district court overruled the objections, adopted and modified the report and recommendation in part, granted summary judgment, denied equitable tolling and amendment, and dismissed the remaining state-law claims without prejudice.

DISPOSITION

other

CASES CITED

- Brooks v. Colorado Department of Corrections, 12 F.4th 1160, 1169 (10th Cir. 2021)
- Adler v. Wal-Mart Stores, Inc., 144 F.3d 664, 670-71 (10th Cir. 1998)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323-24 (1986)
- Zia Shadows, L.L.C. v. City of Las Cruces, 829 F.3d 1232, 1236 (10th Cir. 2016)
- Trevizo v. Adams, 455 F.3d 1155, 1160 (10th Cir. 2006)
- Argo v. Blue Cross & Blue Shield of Kansas, Inc., 452 F.3d 1193, 1199-1200 (10th Cir. 2006)
- Thomas v. International Business Machines, 48 F.3d 478, 485 (10th Cir. 1995)
- Lozano v. Ashcroft, 258 F.3d 1160, 1166 (10th Cir. 2001)
- Nuss v. Utah Orthopaedic Associates, P.C., No. 2:09-CV-647 TS, 2011 WL 3328708, at *1 (D. Utah Aug. 2, 2011)

- Echo Acceptance Corp. v. Household Retail Services, Inc., 267 F.3d 1068, 1079 (10th Cir. 2001)
- Kandt v. City of Garden City, Kansas, No. 23-2043-DDC-TJJ, 2025 WL 859865, at *4 (D. Kan. Mar. 19, 2025)
- Lax v. Mayorkas, 20 F.4th 1178, 1182-83 (7th Cir. 2021)
- McDonald v. St. Louis University, 109 F.4th 1068, 1070-72 (8th Cir. 2024)
- Kinder v. Marion County Prosecutor's Office, 132 F.4th 1005, 1007-09 (7th Cir. 2025)
- Garcia-Gesualdo v. Honeywell Aerospace of Puerto Rico, Inc., 135 F.4th 10, 13-18 (1st Cir. 2025)
- Asuncion v. Hegseth, 150 F.4th 1252, 1255-59 (9th Cir. 2025)
- Alfredo v. MBM Fabricating Co., No. 23-CV-10526, 2024 WL 1334305, at *3 (E.D. Mich. Mar. 28, 2024)
- Patton v. Bodacious Bar & Q, No. CV 22-6040, 2024 WL 3330615, at *2 (W.D. La. July 8, 2024)
- Shields v. Verizon Maryland, LLC, No. 1:23-CV-02932-JMC, 2024 WL 1050996, at *10 (D. Md. Mar. 11, 2024)
- Bautista v. Charles Schwab & Co., No. 23-CV-01779-RMR-KAS, 2025 WL 2576504, at *3 (D. Colo. Sept. 4, 2025)
- Cerroni v. Smith's Food & Drug Centers, Inc., No. 2:23-CV-00005-JCB, 2023 WL 3467466, at *2 (D. Utah May 15, 2023)
- McNaney v. Sampson & Morris Group, Inc., No. 2:21-CV-1809, 2022 WL 1017388, at *4 (W.D. Pa. Apr. 5, 2022)
- Panicker v. Compass Group U.S.A. Inc., 712 F. App'x 784, 788 (10th Cir. 2017)
- Zipes v. Trans World Airlines, Inc., 455 U.S. 385, 393 (1982)
- Yang v. Archuleta, 525 F.3d 925, 928 (10th Cir. 2008)
- Jarrett v. US Sprint Communications Co., 22 F.3d 256, 260 (10th Cir. 1994)
- Biester v. Midwest Health Services, Inc., 77 F.3d 1264, 1267 (10th Cir. 1996)
- Edmonds-Radford v. Southwest Airlines Co., 17 F.4th 975, 988 (10th Cir. 2021)
- Ajalla v. White, 81 F. App'x 715, 719 (10th Cir. 2003)
- Million v. Frank, 47 F.3d 385, 389 (10th Cir. 1995)
- United Mine Workers of America v. Gibbs, 383 U.S. 715, 726 (1966)
- Smith v. City of Enid By & Through Enid City Commission, 149 F.3d 1151, 1156 (10th Cir. 1998)
- Thatcher Enterprises v. Cache County Corp., 902 F.2d 1472, 1478 (10th Cir. 1990)

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