

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ANGELA MOSS,
Plaintiff,

v.

EVIL CORP.,
Defendant.

Docket No. 16-CV-9876

Decided: December 1, 2016

Memorandum and Order

LEONARD FOOTE, District Judge

Plaintiff Angela Moss brings this action against Defendant Evil Corp. alleging a violation of the whistleblower protections under the Dodd–Frank Wall Street Reform and Consumer Protection Act, 15 U.S.C. § 78u–6(h). Moss has moved for partial summary judgment on the question of Evil Corp.’s liability for illegal discrimination under § 78u–6(h)(1)(A). Evil Corp. has moved for summary judgment seeking dismissal of Plaintiff’s claim with prejudice.

Upon review of the motions, oppositions, and evidentiary record, the Court makes the following Findings of Fact and Conclusions of Law:

Findings of Fact

The Court finds that there exists no genuine dispute as to any of the following facts material to Plaintiff’s claim:

1. At all times relevant to this action, Moss has worked full-time and exclusively for Evil Corp.
2. Evil Corp. determines and controls Moss’s job duties, sets and monitors her hours of work, and determines her rate of pay, in the same manner and under the same standards as individuals it directly employs.
3. Evil Corp.’s managerial and supervisory employees directly supervise and evaluate Moss’s job performance, in the same manner and under the same standards as individuals who are directly employed by Evil Corp.

4. Evil Corp. has the right to terminate Moss's assignment if it is dissatisfied with her performance.
5. Evil Corp. has contracted with HR-Worx, Inc. to perform specified administrative functions pertaining to certain individuals who work for Evil Corp., including Moss.
6. HR-Worx has no control over Moss's job duties, hours of work, or rate of pay, and neither supervises nor evaluates her job performance.
7. Moss provided information to the CFPB regarding Evil Corp.'s business practices, which Moss in good faith believed were in violation of federal laws under the CFPB's regulatory authority.
8. The CFPB notified Evil Corp. that it was investigating the company for possible violations of federal law.
9. Price asked Moss if she had provided information about Evil Corp. to the CFPB, and Moss denied that she had done so.
10. Price explained to Moss that accusations of illegal and unethical business practices could be very harmful to Evil Corp.'s business and its employees.
11. Moss continues to work at Evil Corp., with no diminution in pay and no change in her terms and conditions of employment.

Conclusions of Law

Based on the Findings of Fact enumerated above, the Court makes the following Conclusions of Law regarding Plaintiff's claim against Defendant:

1. Moss is an employee of Evil Corp. and not an employee of HR-Worx.
2. Moss is an employee whistleblower within the meaning of Dodd-Frank, §§ 78u-6(a)(6) and (6)(h)(1)(A).
3. Evil Corp. has neither threatened nor discriminated against Moss within the meaning of Dodd-Frank, § 78u-6(a)(6)(h)(1)(A).

Order

For the reasons discussed above, the Court denies Plaintiff's partial summary judgment motion and grants Defendant's summary judgment motion. Plaintiff's claim against Defendant is dismissed with prejudice.

SO ORDERED.