

Federal Court Denies Motion for Summary Judgment in ADA Retaliation Case Against Capital One, N.A.

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Employee Cleared to Go Forward to Trial on Retaliation Case with Smoking Gun Memo

BETHESDA, Md., Oct. 6, 2011 /PRNewswire/ -- The U.S. District Court for the District of Maryland has denied Capital One's motion for summary judgment on the retaliation claim by former employee, Tracy Eastridge. Eastridge alleges that after she complained about disability discrimination, she was terminated.

According to court documents, during a 2007 reduction-in-force, a manager, James Burner, noted to company officials: "This function will be absorbed into the individual groups within Installations. The incumbent has a documented disability that provides her work from home for up to 2 days per week. She had also registered an EEOC complaint in August '07 to change her management report."

Capitol One disputes Burner's knowledge of the EEOC complaint at some time prior to the making of an initial decision to terminate Eastridge in 2007. Relying on the recent 4th Circuit decision of *Okoli v. City of Baltimore*, Eastridge's attorney, Gwen W. D'Souza, contended a jury may decide if knowledge of a discrimination complaint allegedly acquired after an initial decision, but before a final decision to terminate, became a "superseding cause" for the termination.

Also pending before the District Court of Maryland is another disability discrimination case brought by employee, Ann S. Brown against Capital One. In court pleadings, Brown alleged the bank had a policy of not permitting disabled persons to work from home while it permitted non-disabled employees to work from home. A summary judgment hearing in Brown's case is scheduled for January 9, 2012.

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About D'Souza Law Offices, LLC

D'Souza Law Offices, LLC represents employees and employers in wrongful termination, discrimination, and retaliation cases.

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About The Law Office of Andrew M. Dansicker

Law Office of Andrew M. Dansicker represents employees and employers in virtually every facet of employment law in Maryland, including sexual harassment, wrongful termination, job discrimination, wage and overtime issues, failure to pay bonuses and commissions, failure to pay wages, and disability and leave issues.

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