

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MELINDA DANGERFIELD :
 :
 v. : CIVIL NO. CCB-07-2836
 :
 FRANKLIN SQUARE HOSPITAL :
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MEMORANDUM

Now pending is a complaint filed on behalf of Melinda Dangerfield, a former employee of Franklin Square Hospital, naming as defendants the Hospital and Ms. Dangerfield's former manager, Kristy Carey (Kratz). Ms. Dangerfield sued the Hospital for race discrimination and retaliation under Title VII (Count One), and under 42 U.S.C. § 1981 (Count Two); she also sued Ms. Carey for defamation (Count Three). The defendants have filed motions for summary judgment.

When Ms. Dangerfield filed suit she was represented by counsel, who moved to withdraw his appearance on March 19, 2008. Despite being granted additional time (until May 23, 2008) to retain new counsel and/or file a response to the defendants' motions for summary judgment, Ms. Dangerfield has done neither and the motions are unopposed.

As to the racial discrimination and retaliation claims, the undisputed evidence reflects that Ms. Dangerfield, after being promoted to the position of a supervisor in the outpatient psychiatry department in June 2006, was the subject of a number of complaints from the employees (both Caucasian and African-American) she supervised.¹ Even assuming Ms. Dangerfield has established a *prima facie* case for discrimination or retaliation, she has not

¹ The Hospital later discovered that Ms. Dangerfield did not have the supervisory experience she claimed at her previous job.

rebutted the evidence that these complaints were a legitimate and non-discriminatory reason for her firing by the Hospital in March 2007. *See Anderson v. Stauffer Chem. Co.*, 965 F.2d 397, 401-02 (7th Cir. 1992). Regarding comparability, Ms. Carey was subject to significant discipline for the single offensive email she sent, and Ms. Dangerfield has not shown that her circumstances were otherwise similar to those of Ms. Carey. *See Cook v. CSX*, 988 F.2d 507, 511 (4th Cir. 1993).

Further, the same people who made the decision to fire Ms. Dangerfield in March 2007 (Pasko and Carey) made the decision to promote her in June 2006, which argues against any indication of racial bias in the adverse decision. *See Proud v. Stone*, 945 F.2d 796, 797 (4th Cir. 1991).

Finally, as to the defamation claim, Ms. Dangerfield has no admissible evidence to show that Ms. Carey made the statement of which Ms. Dangerfield complains, *see Sivera v. Home Depot USA, Inc.*, 189 F.Supp.2d 304, 311 (D.Md. 2002).

A separate Order follows.

June 13, 2008

Date

/s/

Catherine C. Blake

United States District Judge

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ORDER

For the reasons stated in the accompanying Memorandum, it is hereby **ORDERED** that:

1. the Motion for Summary Judgment on Count III, Claim for Defamation filed by Kristy Carey (docket entry no. 23) is **Granted**;
2. the Motion for Summary Judgment filed by Franklin Square Hospital (docket entry no. 30) is **Granted**;
3. Judgment is entered in favor of the defendants against the plaintiff; and
4. the Clerk shall send copies of this Memorandum and Order to the plaintiff and counsel of record and **Close** this case.

June 13, 2008

Date

/s/

Catherine C. Blake
United States District Judge