Edans 2012

1. Andrea Santee/Windsor Court Hotel
   a. Race or color?
      Maybe EH was dark skinned
      Even if not, blacks can discrimination v. blacks
      Race or color + ["inappropriate hair"] Martin Marietta
      703(m) as in Desert Palace?
      Grooming code + Proud to be black
      Is latter statement “a motivating factor”? 
      Was Exec Housekeeper the decision maker?
      Even if not, was she the “cat’s paw”? (Staub v. Prpector Hospital)
      MDC and pretext of grooming code? Comparators?
   b. Sex discrimination? No facts, would need comparator(s)
   c. Race +sex? Not enough info

2. Duke Study
   a. ADA
      Is obesity a disability?
      “morbid obesity” yes, especially after ADAAA
      maybe slightly overweight not a disability
      If so, intentional discrimination (no need to look at accommodation)
      Is there a defense?
      “Voluntariness” won’t work
      ADA BFOQ? not reasonably necessary for job so irrelevant
      Not “qualified”? no indications this is lacking
      No business necessity because not impact (Johnson Controls)
   b. ADEA
      Age Impact? Need stats to see how strong correlation is
      Assuming stats, is there an RFOA?
      Uncertain if “reasonable” but weight is not age (Biggins)

3. Brandi Cochran/Bluto Bounties
   a. Sexual Harassment Title VII claim
      “Severe or pervasive”? facts unclear
      Employer liability?
      Was Jaundice a supervisor? Authority v. oversight/assignment
      If yes, strict/vicarious liability w/Ellerth Defense?
      Don’t know Er policy, implementation, etc.
      Sounds like she did not report it
      If not a supervisor, negligence only; no knowledge = no liability
      Timeliness: was last related episode w/in time (Morgan v. Amtrak)
   b. Sex discrimination discharge Title VII claim
      703(m) “drama of battered women” even if “no drama” = LNR for MDC
      Good news for her with compensative and punitives
   c. Lactation discrimination/PDA not at issue (no adverse action)