

Female African-American CEO who was Replaced by Female Hispanic has Race Discrimination Claim

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A female African-American employee was employed as the Chief Executive Officer for a transit management company. Other executives of the company had issues with the CEO, and they exchanged disparaging e-mails referring to the CEO as a “prima donna” and “helluva b*tch.” The CEO was eventually fired by a founder of the company and replaced by a Hispanic woman.

The CEO filed suit in federal district court alleging race discrimination, among other claims. In her complaint, the CEO argued that the other executives’ disparaging e-mails were code for “angry black woman” or “uppity black woman.” The district court granted summary judgment in favor of the company as to the CEO’s discrimination claims. On appeal, however, the U.S. Court of Appeals for the Sixth Circuit [reversed](#), finding that the employee had presented sufficient evidence, albeit circumstantial, to support her discrimination claims. As to her race discrimination claim, the Court held that the employee’s replacement was Hispanic and therefore not a member of the same statutorily protected class. Therefore, her race discrimination claim survived summary judgment.

This case clearly shows how e-mail communications can be both useful and/or harmful to an employee’s case or an employer’s defense.

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