

# Galloway Johnson obtains Summary Judgment in Employment Discrimination Case

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In *Hawkins v. Avalon Hotel Group, LLC*, 2013 WL 6328132 (M.D. La. Dec. 4, 2013) and *Hawkins v. Avalon Hotel Group, LLC*, 2014 WL 216472 (M. D. La. Jan. 9, 2014), Doris Bobadilla obtained summary judgment in a matter where a female laundry attendant in the housekeeping department sued her employer, alleging that the newly-hired, female manager propositioned her for a sexual relationship. The employee believed that the hotel manager retaliated against her by altering her job duties, which purportedly caused employee great emotional distress. The employer terminated the employee for failing to appear for work, which employee claimed was due to the emotional distress caused by the sexual proposition. Employee claimed same-sex sexual harassment, retaliation, and intentional infliction of emotional distress. The district court held that the employee failed to establish a reasonable jury would conclude that hotel manager made sexual advances—a requirement for proving any discrimination was “based on sex” under the federal statutes. In addition, even if she could do so, she failed to satisfy the elements required for *quid pro quo* claim because another manager made the decision to terminate the employee, which precluded a finding of harassment. Even presuming retaliation occurred, which was not proven, the employer offered legitimate, non-retaliatory business reasons for its actions that were not pre-textual. Similarly, the court concluded that the single alleged incident of harassment was insufficiently egregious to support an intentional infliction of emotional distress claim.