

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
CHRISTIN RONZIO,	)	
	)	
Plaintiff,	)	
	)	Civil Action
v.	)	No. 1:21-11025-PBS
	)	
WILLIAMS LEA, INC.,	)	
	)	
Defendant.	)	
_____	)	

**MEMORANDUM AND ORDER**

March 21, 2023

Saris, D.J.

Plaintiff Christin Ronzio brings a pregnancy discrimination suit against Defendant Williams Lea, Inc. ("Williams Lea") for terminating her employment on the basis of her pregnancy in violation of Mass. Gen. Laws c. 151B, § 4. After hearing, the Court **DENIES** the Defendant's motion for summary judgment.

Summary judgment is appropriate where there is "no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986) (citing Fed. R. Civ. P. 56(a)). "On summary judgment, the facts are viewed in the light most favorable to the nonmovant [], and all reasonable inferences are drawn in the nonmovant's favor." Ingram v. Brink's, Inc., 414 F.3d 222, 228 (1st Cir. 2005).

Massachusetts courts adopt the federal burden-shifting framework for assessing a motion for summary judgment in discrimination cases with indirect or circumstantial evidence. Verdrager v. Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., 50 N.E.3d 778, 793 (Mass. 2016). In the first stage, a plaintiff can establish a prima facie case by demonstrating that (1) she was a member of a protected class; (2) she performed the job at an acceptable level; and (3) she suffered an adverse employment action. Id. In the second stage, the burden of production shifts to the employer to articulate a legitimate, nondiscriminatory reason for the adverse decision. Id. Because Massachusetts is a pretext only jurisdiction, at the final stage, the plaintiff can survive summary judgment by producing evidence that the employer's facially proper reasons for terminating her were not the real reasons for that action. Id. at 794.

Plaintiff has produced evidence to support her prima facie case: she was pregnant, performed her job at an acceptable level, and her employment was terminated while male peers were retained. In turn, Defendant provided a legitimate, nondiscriminatory reason for termination. It states it needed to eliminate her position to reduce costs due to financial challenges exacerbated by COVID-19. A reasonable juror could find that the reason given for her termination was a pretext based on three factors.

First is the temporal proximity of Plaintiff's pregnancy disclosure and her termination. See Dusel v. Factory Mut. Ins. Co., 52 F.4th 495, 510 (1st Cir. 2022) (opining temporal proximity can give rise to inference that stated basis for action was pretext). Plaintiff notified Defendant of her pregnancy on March 26, 2020 and was terminated on April 24, 2020. Although Defendant insists the decisionmaker, Ms. Denise Reid, learned of Plaintiff's pregnancy after the decision to terminate was already made, the timing is a fact question.

Second, Defendant's alleged timeline for decision-making has shifted during the litigation. In its answer to Plaintiff's discrimination charge before the Massachusetts Commission Against Discrimination, Defendant stated that terminations were the result of cost-cutting measures arising out of the COVID-19 pandemic. In this suit, in contrast, Defendant alleges that discussions to terminate Plaintiff began in December 2019 and that her ultimate termination was the end-result of a prolonged plan that pre-dated the pregnancy. Defendant lacks any documentation that demonstrates a final decision to terminate Plaintiff prior to the pregnancy.

Third, the parties dispute whether Ms. Reid's choice of comparator masks pretext. Evidence that Plaintiff was treated differently from similarly situated employees can be indicative of pretext. Verdrager, 50 N.E.3d at 795. While it is not for the court to "second-guess the business decision of an employer," the

question is whether discriminatory animus was present in Ms. Reid's deliberative process. Rosy v. Roche Products, Inc., 880 F.2d 621, 625 (1st Cir. 1989).

Defendant claims Ms. Reid, Plaintiff's supervisor, compared Plaintiff to Mr. Scott Incognito as the comparator because he shared the same title, sector focus, and region as Plaintiff. Defendant claims Plaintiff was terminated because Mr. Incognito had the better performance record. Plaintiff argues pretext because Mr. Incognito was not the appropriate comparator given his much longer tenure at Williams Lea. Instead, Plaintiff identifies Mr. Griffin Maloney, hired around the same time as Plaintiff, as the appropriate comparator; he was not terminated despite having made fewer sales than Plaintiff. Defendant points out Mr. Maloney had a different sector focus.

After viewing the facts in the light most favorable to the Plaintiff, based on these three factors, the Court finds a material fact dispute remains for the cause of the termination.

**ORDER**

Defendant's motion for summary judgment (Dkt. 41) is **DENIED**.

/s/ PATTI B. SARIS  
Hon. Patti B. Saris  
United States District Judge