Trump's Supreme Court Nominee Has Sided With Corporations 76% Of The Time During Her Tenure On The 7th Circuit Court Of Appeals

Judge Amy Coney Barrett Sided With Corporations Over People 76% Of The Time During Her Tenure On The 7th Circuit Court Of Appeals.

As A Judge On The 7th Circuit, Amy Coney Barrett Voted With Corporations Over People In 76% Of Cases. Judge Amy Coney Barrett has faced at least fifty-five cases in which citizens took on corporate entities in front of her court and 76% of the time she sided with the corporations. She clearly sided with people in just 11 of these identified cases. [Accountable.US Analysis of Amy Coney Barrett's Record on the 7th Circuit Court of Appeals, 09/24/20]

NOTE: Red in the chart below denotes a decision benefitting corporations. Blue denotes benefitting individuals. White is neutral.

Court	Opinion Date	Case Title	Case Number	Barret's Vote	Description
1. 7th Circuit	8/21/20	Leonid Burlaka v. Contract Transport Services LLC	19-1703	Corporations-Barrett wrote the opinion upholding a lower court ruling denying these drivers overtime pay	Former Contract Transport Services (CTS) employees claimed they were denied overtime pay after the company misclassified them as 'over-the-road' drivers, which DOT exempts from some labor standards.
2. 7th Circuit	8/6/20	Frank Pierri v. Medline Industries, Inc.	19-3356	Corporations-Barrett voted to affirm the District Court's ruling in favor of Medline	An employee alleged his supervisor started harassing him after he took FMLA time to care for his ailing grandfather. The employee took long-term leave and never returned, citing the stress his supervisor caused him.
3. 7th Circuit	8/5/20	Carlton Gunn v. Continental Casualty Company	19-2898	Neutral- Barrett voted to remand this case back to a district court; ruling that the lower court could better litigate the dispute	State insurance regulation - Insurance policyholder Gunn disputed which jurisdiction covers Continental's premium hike.
4. 7th Circuit	8/4/20	Carmen Wallace v. Grubhub Holdings, Inc.	19-1564 & 19-2156	Corporations-Barrett authored opinion upholding lower court rulings forcing arbitration on gig workers; seen as a "pivotal victory" for industry	Are gig workers who sign arbitration agreements with employers forced to arbitrate wage disputes or is their right to sue in court protected by certain Federal Arbitration Act protections for interstate workers?
5. 7th Circuit	7/24/20	Nathan Sigler v. Geico Casualty Co.	19-2272	Corporations-Barrett voted to uphold the District Court's dismissal of the case against Geico.	Sigler totaled his vehicle and filed an insurance claim with Geico. Although Geico paid out the value of the vehicle, Sigler claimed he was also entitled to sales tax and title and transfer fees for a new vehicle - although he didn't incur these costs at the time he initiated his dispute
6. 7th Circuit	6/17/20	Bradley LeDure v. Union Pacific Railroad Company	19-2164	Corporations-Barrett voted to affirm the District Court's ruling in favor of Union Pacific	A Union Pacific conductor sued the company for negligence after he slipped and fell while on the job. Union Pacific argued the injury was unforeseeable.

7. 7th Circuit	4/30/20	Robert Williams v. Wexford Health Sources, Inc.	19-1018	People-Barrett voted to remand the case back to District Court, concurring that the inmate satisfied requirements to file suit	Wexford is contracted to provide medical services to Illinois prisons. Inmate Robert Williams filed suit after he was denied necessary cataract surgery, which Wexford had a role in denying. The district court ruled he didn't do enough to exhaust his prison remedies and denied his case.
8. 7th Circuit	2/19/20	Ali Gadelhak v. AT&T Services, Incorporated	19-1738	Corporations-Barrett wrote the opinion and voted to affirm the District Court's ruling that AT&T did not violate the TCPA.	Gadelhak sued AT&T after receiving unwanted marketing text messages from the company. Under dispute was if the system AT&T used violates the Telephone Consumer Protection Act. The ruling was seen as "a big bite out of the TCPA."
9. 7th Circuit	1/24/20	Susie Bigger v. Facebook, Inc.	19-1944	Corporations-Barrett voted to block employees with arbitration agreements from receiving notice of class action claims. It was seen as a "win for employers"	Susie Bigger, a client solutions manager for Facebook, sued the company for being misclassified and denied overtime. Bigger brought a class action on behalf of herself and other CSMs. Facebook claimed the other CSMs signed arbitration agreements preventing them from joining the class action.
10. 7th Circuit	1/21/20	Neal Preston v. Midland Credit Management	18-3119	People-Barrett voted to reverse the District Court's ruling that the marking did not violate the FDCPA and voted to affirm the court's ruling the marking was false and/or deceptive	Neal Preston initiated a class action after receiving an envelope from Midland with "Time Sensitive Document" on it. Preston claimed this was a violation of Fair Debt Collection Practices Act privacy provisions barring unnecessary envelope markings.
11. 7th Circuit	1/21/20	Sarah Steffek v. Client Services, Incorporated	19-1491	People-Barrett voted to reverse the District Court's ruling and remanded for entry of summary judgment in favor of the plaintiffs.	Steffek and Jill Vandenwyngaard received debt collection notices from Client Services Inc. that did not clearly identify the creditor currently holding their debt, in violation of the Fair Debt Collection Practices Act. The District Court ruled the notices sufficiently identified the current creditor.
12. 7th Circuit	12/30/19	Thomas Dennis v. Niagara Credit Solutions, Inc.	19-1654	Corporations-Barrett voted with the majority in upholding the District Court's ruling in favor of Niagara Credit Solutions	Thomas Dennis received a debt collection letter that listed both "original" and "current" creditors, which he alleged was in violation of the Fair Debt Collection Practices Act's requirement that notices clearly identify the entity to whom the debt is owed. The District Court ruled that the letter sufficiently identified the creditor.
13. 7th Circuit	9/23/19	Adriel Osorio v. The Tile Shop, LLC	18-2609	Corporations-Barrett voted to affirm the District Court's ruling that the Tile Shops wage system did not violate Illinois wage law	Adriel Osorio alleged that the Tile Shop's commission system - which offers employees prepaid wages during slow business periods, offset by later paycheck withdrawals - violated Illinois wage laws by drawing more than 15% from his paychecks. The district court ruled that the Tile Shop's prepaid wages did not constitute 'cash advances,' and did not fall under Illinois wage laws. The court also ruled that Osorio agreed to the system when he signed his offer of employment.

14. 7th Circuit	7/26/19	Damon Stepp v. Covance Central Laboratory Services, Inc.	18-3292	People-Barrett voted to vacate the District Court judgement saying that a reasonable jury could conclude the man was discriminated against and the District Court was incorrect in ruling for Covance. The case was remanded.	Damon Stepp, a former temporary employee at Covance Central Laboratory Services, sued his former employer for retaliating against him in violation of 42 U.S.C. § 2000e–3. He contests the district court's entry of summary judgment for Covance, arguing that he submitted evidence sufficient to persuade a jury that Covance refused to hire him permanently in retaliation for his earlier complaints about discrimination.
15. 7th Circuit	7/26/19	Vanessa Matthews and Randy Matthews v. REV Recreation Group, Inc.	18-1982	Corporations-Barrett voted to affirm the District Court's ruling in favor of REV Recreation Group, Inc.	Vanessa and Randy Mathews purchased an RV, which came with a one-year warranty from the manufacturer, REV Recreation Group, Inc. The RV was riddled with problems from the time that they bought it, and these problems ultimately led the Mathews to sue REV.
16. 7th Circuit	7/23/19	James Graham, Jr. v. Arctic Zone Iceplex, LLC	18-3508	Corporations-Barrett wrote this opinion and affirmed the District Court ruling in favor of the company.	James Graham, Jr., sued Arctic Zone Iceplex, his former employer, for discrimination. According to Graham, Arctic Zone failed to accommodate his disability and ultimately fired him for it. The district court granted summary judgment to Arctic Zone.
17. 7th Circuit	7/15/19	Matthew Carello v. Aurora Policemen Credit Union	18-2887	Corporations-Barrett affirmed the District Court's decision to dismiss the claim.	Matthew Carello sued the Aurora Policemen Credit Union, alleging that accessibility barriers to the Credit Union's website violate his rights under the Americans with Disabilities Act. The district court dismissed the claim, holding that Carello lacked standing to sue.
18. 7th Circuit	6/25/19	Donald Fessenden v. Reliance Standard Life Ins. Co. and Oracle USA, Inc., Group Long Term Disability Plan	18-1346	People-Barrett wrote the opinion and voted to vacate the District Court's decision, remanding the case for further proceedings, the outcome sought by the plaintiff.	Donald Fessenden applied for long-term disability benefits through his former employer's benefits plan and the plan administrator denied the claim. Subsequently, Fessenden submitted a request for review with additional evidence and the administrator failed to make a decision within the timeline established by the Employee Retirement Income Security Act (ERISA). Fessenden filed suit in district court, but the company ultimately denied his claim a second time. The District Court ruled in the plan administrator's favor because the company had allegedly still maintained "substantial compliance."
19. 7th Circuit	6/4/19	Paula Casillas v. Madison Avenue Associates, Inc.	17-3162	Corporations-Barrett wrote this en banc opinion affirming the District Court's dismissal of this case due to lack of harm.	A woman filed a class action against a debt collector for not properly disclosing required materials under the Fair Debt Collection Practices Act (FDCPA). The District Court dismissed the claim due to lack of harm.

20. 7th Circuit	5/29/19	Brian Weil and Melissa Fulk v. Metal Technologies, Inc.	18-2556 & 18-2440	Corporations-Barrett wrote the opinion affirming the decertification of the class on the wage claim issue and vacated the judgment on the uniform cost withholding issue.	Two individuals filed a class action suit against Metal Technologies for allegedly withholding wages and withholding the cost of uniform rentals from employee paychecks. The District Court ruled that the plaintiffs did not have standing for a class on the wage withholding issue, but that they did have standing on the uniform rental cost issue.
21. 7th Circuit	5/20/19	Robert McCarty v. Menard, Inc.	18-3069	Corporations-Barrett voted to affirm the District Court's Judgment in favor of Menard's.	Robert McCarty tripped over a product display sign at a Menard's home improvement store and then filed suit. The district court dismissed the case at summary judgment in favor of Menard.
22. 7th Circuit	5/15/19	Isaac Paz v. Portfolio Recovery Associates, LLC	17-3259	Corporations-Barrett voted to affirm the reduced attorney fee award.	Isaac Paz engaged in a lengthy legal battle with Portfolio Recovery Associates, LLC over the course of several years and rejected several opportunities to settle. Paz was ultimately awarded $1000 at trial and sought over $180,000 in attorney's fees, but the District Court only rewarded ~$10,000. Paz appealed that decision.
23. 7th Circuit	5/8/19	Yelena Levitin and Chicago Surgical Clinic, LTD v. Northwest Community Hospital, et al	16-3774	Corporations-Barrett voted to affirm the District Court's ruling in favor of the hospital.	Dr. Yelena Levetin sued Northwest Community Hospital after they terminated her practice privileges. Dr. Levetin claimed the hospital had discriminated against her based on her sex, religion and ethnicity under Title VII of the Civil Rights Act. The District Court ruled in favor of the hospital, finding that as Dr. Levetin was not a hospital employee, she was precluded from making a Title VII claim.
24. 7th Circuit	4/29/19	Mehdi Abdollahzadeh v. Mandarich Law Group, LLP	18-1904	Corporations-Barrett voted to uphold the District Court's ruling in favor of the debt collector.	Mehdi Abdollahzadeh sued Mandarich Law Group for attempting to collect a time-barred debt in violation of the Fair Debt Collection Practice Act (FDCPA). The debt collector asked the judge to rule in their favor citing the "bona fide error" defense. The District Court ruled in favor of the debt collector, determining that the violations were unintentional.
25. 7th Circuit	3/26/19	Norma L. Cooke v. Jackson National Life Insurance Company	18-3527 & 18-3583	Corporations-Barrett voted to reverse the District Court decision awarding the plaintiff legal fees for costs incurred opposing the insurance company's appeals.	A woman sued a life insurance company for money owed to her. The insurance company ultimately paid the woman a six-figure amount on the policy, but appealed on whether they owed attorney's fees. After the case had been previously remanded to a lower court, the lower court determined the insurance company owed attorney fees of $42,835 plus interest. The Insurance company appealed to the 7th Circuit

26. 7th Circuit	3/19/19	Ja'Lin Williams v. Norfolk Southern Corporation and Norfolk Southern Railway Company	18-2517	Corporations-Barrett voted to affirm the District Court judgment in favor of the railway.	Ja'Lin Williams was struck by a train while he and his friends were running away from a police officer. He sued the railway, which he believed was at fault for his injuries. But the district court granted summary judgment to the railway, concluding that Williams was barred from recovery by Indiana law because he was more than 50% at fault for the accident.
27. 7th Circuit	2/20/19	Douglas Holloway v. Soo Line Railroad Company d/b/a Canadian Pacific	18-2431	Corporations-Barrett voted to affirm the District Court ruling in favor of Canadian Pacific.	A man with a record of safety violations at Canadian Pacific was fired for getting in a car wreck while not wearing a seatbelt. The man sued Canadian Pacific saying he was actually fired for reporting a workplace injury, not for violating rules. The District Court ruled in favor of Canadian Pacific.
28. 7th Circuit	2/13/19	Kurt V. Cornielsen, et al. v. Infinium Capital Management, LLC, et al.	17-2583	Corporations-Barrett voted to affirm the District Court decision in favor of Infinium.	A group of employees pooled capital to loan to their company for investments. Those loans were later converted to equity in the company. A year later their redemption rights were suspended and six months after that they were told their investments were worthless. The employees sued for securities fraud and breach of fiduciary duty. The District Court dismissed the case for failure to state a claim.
29. 7th Circuit	2/1/19	Jeffrey A. Kopplin v. Wisconsin Central Limited d/b/a CN	17-3602	Corporations-Barrett voted to affirm the District Court decision in favor of the Railroad Company.	An employee of the railroad sued saying he injured himself while attempting to operate a broken piece of equipment. The District Court sided with the railroad saying the plaintiff could not prove the broken piece of equipment caused his injury.
30. 7th Circuit	1/29/19	Juan Cervantes v. Ardagh Group	17-3536	Corporations-Barrett voted to uphold the District Court ruling in favor of Ardaugh Group.	A man sued his employer for a violation of Title VII of the Civil Rights Act saying he was denied promotions and received performance warnings based on his race and national origin. The plaintiff also argued he'd been retaliated against for previous complaints. The District Court ruled in favor of the man's company.
31. 7th Circuit	1/23/19	Dale E. Kleber v. CareFusion Corporation	17-1206	Corporations-Barrett voted to affirm the District Court decision that the man did not have Title VII protections as a job applicant rather than an employee.	The plaintiff, Dale Kleber, sued CareFusion Corporation for age related disparate impact over his dismissal as an applicant for a job with the company that said it required "no more than 7 years" experience. The company eventually hired a 29 year old. The District Court ruled Kleber did not have a case as he was a job applicant rather than an employee of the firm.

32. 7th Circuit	1/22/19	Charlotte Robinson and Bobby Don Bowersox, representing Estate of Georgia J. Bowersox, and Mark Bowersox, individually v. Davol Inc. and C.R. Bard, Inc.	17-2068	Corporations-Barrett voted to affirm the District Court's ruling in favor of the company.	The family of a deceased woman sued the maker of a surgical mesh patch used to repair hernias. The woman had the patch implanted and died a year later due to a problem similar to one previously identified with the company's products. The District Court disallowed the plaintiff's expert testimony, and subsequently the District Court ruled in favor of CR Bard, Inc.
33. 7th Circuit	1/8/19	David Lee, et al v. Northeast Illinois Regional Commuter Railroad Corporation, et al.	18-1930	Corporations-Barrett voted to affirm the District Court's decision to dismiss the case - the ruling the company was seeking.	Employees of METRA sued the company alleging various forms of discrimination. Their filings were deemed to have substantial deficiencies and the case was ultimately dismissed by the District court.
34. 7th Circuit	12/14/18	Bruce Betzner and Barbara Betzner v. The Boeing Company	18-2582	Corporations-Barrett voted to reverse the District Court's decision - the outcome Boeing was seeking.	Two people sued Boeing in a personal injury lawsuit. Boeing filed to have the case removed under the federal officer removal statute. The District Court remanded the case to state court. Boeing appealed saying the District Court erred by requiring evidentiary submission to support the notice of removal.
35. 7th Circuit	11/1/18	Elisa S. Gallo, MD v. Mayo Clinic Health System - Franciscan Medical Center, Inc., et al	17-1623	Corporations-Barrett voted to uphold the District Court ruling in favor of the Mayo Clinic.	A woman negotiated a separation agreement that said the Mayo Clinic would not say anything negative about her to prospective employers. Years later her former supervisor rated her performance as "Fair" and she sued for breach of agreement. The District Court sided with the Mayo Clinic.
36. 7th Circuit	10/22/18	Pamela Herrington (and class) v. Waterstone Mortgage Corporation	17-3609	Corporations-Barrett voted to vacate the District Court's enforcement of the arbitration award and remanded the cases for further consideration as to the legitimacy of collective arbitration in this instance.	A woman sued Waterstone Mortgage Corporation on behalf of a class alleging Wage and Hour violations. The woman won a collective arbitration and was awarded damages and fees, but a recent SCOTUS case called into question whether a court was allowed to "impose" collective arbitration on the company. The District Court ruled to enforce the arbitration award.
37. 7th Circuit	10/12/18	Vicki Barbera v. Pearson Education, Inc.	18-1085	Corporations-Barrett voted to affirm the opinion of the District Court in favor of Pearson.	A woman sued Pearson saying she did not have the same chance to resign from the company with severance that three men were afforded. The District Court ruled in favor of Pearson.
38. 7th Circuit	9/10/18	Equal Employment Opportunity Commission v. Costco Wholesale Corporation	17-2432 & 17-2454	Neutral- Barrett voted to remand the case to district court to decide whether the woman was entitled to backpay during her unpaid leave, but declared she was not entitled to backpay after Costco fired her.	A woman employed at Costco was stalked by a customer for over a year. She got a restraining order, but was so traumatized by the experience she took unpaid medical leave. When she did not come back, Costco terminated her employment. EEOC sued on the woman's behalf for backpay. The District Court denied backpay, but did not judge in favor of Costco either, both parties appealed.

39. 7th Circuit	9/4/18	Ray K. Haynes v. Indiana University, et al	17-2890	Corporations-Barrett voted to affirm the District Court's ruling in favor of the University.	An Assistant Professor at Indiana University claims he was denied tenure because of his race. The District Court ruled on behalf of the University.
40. 7th Circuit	8/29/18	Shameca S. Robertson (on behalf of class) v. Allied Solutions, LLC	17-3196	People-Barrett voted to reverse the judgment of the district court dismissing the claim for lack of jurisdiction, and remanded the case for further proceedings.	A woman sued on behalf of a potential class of victims alleging that Allied Solutions, Inc. violated the Fair Credit Reporting Act in the way they checked prospective employee's backgrounds. The District court dismissed the case for improper jurisdiction.
41. 7th Circuit	8/2/18	Robert Smith v. Rosebud Farm, Inc. d/b/a Rosebud Farmstand	17-2626	People-Barrett voted to affirm the District Court ruling in favor of the man who filed suit.	After several years of ongoing sexual and racial harassment from male coworkers, a man sued his employer under Title VII of the Civil Rights Act and the Illinois Gender Violence Act. The District Court ruled in his favor.
42. 7th Circuit	7/30/18	Charmaine Hamer v. Neighborhood Housing Services of Chicago and Fannie Mae	15-3764	Corporations-Barrett voted to affirm the District Court's ruling in favor of Neighborhood Housing Services and Fannie Mae.	A woman was denied a promotion and removed from her job, she sued for discrimination and retaliation. The District Court denied her claim and she appealed on the retaliation issue.
43. 7th Circuit	6/21/18	Brooks Goplin v. WeConnect, Inc.	18-1193	People-Barrett wrote the opinion affirming the District Court's ruling that WeConnect could not enforce an arbitration agreement an employee had signed with a separate entity, even if that entity was now connected to WeConnect.	A man sued his company, WeConnect, under the Fair Labor Standards Act. WeConnect attempted to enforce an arbitration agreement the man had signed with a corporate predecessor called AEI, but the District Court found that AEI and WeConnect were separate entities and ruled that WeConnect could not enforce the AEI arbitration agreement.
44. 7th Circuit	6/21/18	Henry Fiorentini v. Paul Revere Life Insurance Company, et al.	17-3137	Corporations-Barrett wrote the opinion affirming the District Court's decision that the plaintiff, Henry Fiorentini, did not qualify for total disability coverage under his policy.	A man with cancer became unable to work and received total disability benefits under a policy he held with the Paul Revere Life Insurance Company. He later returned to work and Paul Revere said he no longer qualified for benefits, but the man argued he was still prevented from doing key portions of his job. The District court ruled for Paul Revere.
45. 7th Circuit	6/13/18	Estate of Linda Faye Jones, et al v. Children's Hospital and Health System Incorporated Pension Plan	17-3524	Corporations-Barrett voted to affirm the District Court ruling that EOS, a debt collector, had done its duty under FDCPA and FCPA.	A woman died three days after her retirement began, but three days before her pension benefits started. The Pension plan denied benefits to her daughter and beneficiary because they reasoned "only spouses are entitled to benefits under the Plan when a participant dies before the start of her pension."
46. 7th Circuit	6/4/18	Cheryl Dalton v. Teva North America, et al	17-1990	Corporations-Barrett wrote the opinion affirming the District court's decision to dismiss the case, the outcome sought by Teva, based on lack of expert testimony.	A woman had a Teva IUD implanted in 2007, and sought to have it removed in 2013. During the procedure it became clear that at some point a piece had broken off and was lodged in the woman's uterus, necessitating a hysterectomy. The woman was suing Teva under a product liability claim.

47. 7th Circuit	5/25/18	Len Boogaard and Joanne Boogaard, representing the Estate of Derek Boogaard, deceased v. National Hockey League, et al	17-2355	Corporations-Barrett wrote the opinion confirming the district court's dismissal of the suit, the outcome sought by the National Hockey League.	This suit was brought by the family of a deceased former NHL player who became addicted to opioids while under the treatment of an NHL doctor. The man ultimately died of an overdose later in his life after NHL doctors violated their own policy by prescribing him prohibited medication after his substance abuse problem was known. He obtained the fatal opioids while on an unchaperoned outing from a drug treatment center where he was staying.
48. 7th Circuit	5/14/18	Kathryn G. Collier and Benjamin M. Seitz, et al. v. SP Plus Corporation	17-2431	People-The District court dismissed this case due to lack of standing, agreeing with SP Plus Corporation. Barrett voted to vacate that judgment and remand the case to state court.	A class action suit alleging a parking company violated the Fair and Accurate Credit Transaction Act (FACTA)
49. 7th Circuit	5/8/18	Nicholas Webb, et al v. Financial Industry Regulatory Authority Inc. (FINRA)	17-2526	People-Barrett voted to vacate the judgment based on a lack of jurisdiction and remanded the case to a state court.	Two men were fired from an investment bank and challenged their termination pursuant to their employment contract - via arbitration through FINRA. FINRA declared the case dismissed with prejudice and the two men sued FINRA over the arbitration process. That suit was dismissed and the two men appealed to the Seventh Circuit.
50. 7th Circuit	4/26/18	Dale E. Kleber v. CareFusion Corporation	17-1206	Corporations-Barrett voted in favor of hearing the case en banc, an implicit rebuke of the case's outcome deciding for the plaintiff and against the corporation	The plaintiff, Dale Kleber, sued CareFusion Corporation for age related disparate impact over his dismissal as an applicant for a job with the company that said it required "no more than 7 years" experience. The company eventually hired a 29 year old. The 7th Circuit overturned the District Court ruling dismissing the case and remanded it for further proceedings.
51. 7th Circuit	3/21/18	Deborah Walton v. EOS CCA	17-3040	Corporations-Barrett voted to affirm the District Court ruling that EOS, a debt collector, had done its duty under FDCPA and FCPA.	A woman argued that a debt collector violated the Fair Debt Collection Practices Act and the Fair Credit Reporting Act by failing to verify her debt ($247 to AT&T) with the original creditor.
52. 7th Circuit	2/20/18	Jeffrey Martensen v. Chicago Stock Exchange	17-2660	Corporations-Barrett voted to affirm the District Court's dismissal of Martensen's suit on the grounds that he didn't report the issue at hand to the SEC.	A man who used to work at the Chicago Stock Exchange was fired and he contends this violated whistleblower protections under Dodd-Frank.
53. 7th Circuit	2/9/18	Norma L. Cooke v. Jackson National Life Insurance Company	17-2080	People-Barrett voted to dismiss the insurance company's appeal that it did not owe attorney's fees for want of jurisdiction.	A woman sued a life insurance company for money owed to her. The District Court issued a muddled ruling that was self-contradictory. The insurance company ultimately paid the woman a six-figure amount on the policy, but was appealing whether they had to pay attorney's fees.

54. 7th Circuit	1/29/18	Larry D. Dunn v. Menard Inc.	17-1870	Corporations-Barrett Voted to Affirm The District Court's ruling that Menard's Inc. did not owe the plaintiff anything.	Plaintiff Larry Dunn claimed that while loading insulation into his car at a Menard's "self-service" warehouse, the insulation fell onto him and injured his shoulder. Menard's employees were in the area, but had not been specifically asked to assist the plaintiff. Plaintiff sued Menard's for negligence.
55. 7th Circuit	11/21/17	United States EEOC vs. AutoZone Inc., AutoZoners, LLC	15-3201	Corporations-Barrett voted against hearing this case en banc, thus affirming the ruling In AutoZone's favor	AutoZone transferred a black employee out of a store in a predominantly Hispanic neighborhood. The employee sued saying he was transferred based on racial considerations. The District Court and the Appellate Court both held for AutoZone; this case denied a subsequent en banc hearing in the 7th Circuit

Methodology: *Accountable.US reviewed all cases Amy Coney Barrett heard during her time on the U.S. Court of Appeals for the 7th Circuit and analyzed her position on any case in which corporations and/or business interests faced off against consumers, workers, and citizens. Accountable.US then reviewed each of these rulings, cataloguing key contextual details, to determine if Barrett's opinions fell on the side of business or not. Once each relevant opinion was catalogued, Accountable.US calculated the percentage of cases in which Barrett ruled in favor of business or of individuals.*

Amy Coney Barrett Voted Against Rehearing A Case One Judge Said Upheld The "Separate But Equal" Doctrine On Racial Segregation

Case at Issue: *United States EEOC vs. AutoZone Inc., AutoZoners, LLC* (No. 15-3201)

Amy Coney Barrett Voted Against Rehearing A Ruling On Racial Segregation That The Seventh Circuit Chief Judge Said Legalized The "Separate But Equal" Doctrine.

Barrett Voted Against Rehearing A Case On Racial Segregation In AutoZone Stores That The 7th Circuit's Chief Judge Said Legalized A "Separate But Equal" Doctrine.

In 2017, The Equal Employment Opportunity Commission Sued AutoZone Over Allegedly Using "Race As A Determining Factor In Assigning Employees To Different Stores – For Example, Sending African-American Employees To Stores In Heavily African-American Neighborhoods." In 2017, "the federal government asked the full court of appeals to reconsider a ruling against the EEOC in its lawsuit against AutoZone, an auto parts store. The EEOC had argued that the store violated Title VII of the Civil Rights Act, which bars employees from segregating or classifying employees based on race, when it used race as a determining factor in assigning employees to different stores – for example, sending African-American employees to stores in heavily African-American neighborhoods." [SCOTUSBlog, 07/04/18]

Barrett Voted Against Rehearing The Case In Front Of The Entire 7th Circuit (En Banc), Which Effectively Upheld The Previous Ruling That AutoZone's Conduct Wasn't An "Adverse Employment Action"… "Because The Lateral Transfer Wouldn't Diminish His Wages, Benefits, Or Employment Opportunities." "The Equal Employment Opportunity Commission didn't show former AutoZone manager Kevin Stuckey experienced an 'adverse employment action' because the lateral transfer wouldn't diminish his wages, benefits, or employment opportunities, the U.S. Court of Appeals for the Seventh Circuit said June 20." [Bloomberg Law, Daily Labor Report, 6/21/17]

- **The Equal Employment Opportunity Commission Argued AutoZone Employee Was Transferred Between Stores "To Ensure The Racial Homogeneity Of Both Locations."** "The Equal Employment Opportunity Commission argues that AutoZone violated this provision when it used race as the defining characteristic for sorting employees into separate facilities—in this case, a 'Hispanic' store located at South Kedzie Avenue and West 49th Street, and an 'African American' store in Chicago's Roseland neighborhood. The Commission, whose factual allegations we must credit at this stage, claims that AutoZone went so far as to transfer one African-American employee, Kevin Stuckey, from the Kedzie store to the Roseland store in order to ensure the racial homogeneity of both locations." [United States Court of Appeals for the Seventh Circuit, *United States Equal Employment Opportunity Commission v. AutoZone, Inc.*, No. 15-3201, 11/21/17]

The Chief Judge Of The 7Th Circuit Dissented, Writing: "The Importance Of The Question And The Seriousness With Which We Must Approach All Racial Classifications Convince Me That This Case Is Worth The Attention Of The Full Court." [United States Court of Appeals for the Seventh Circuit, *United States Equal Employment Opportunity Commission v. AutoZone, Inc.*, No. 15-3201, 11/21/17]

- **"Under The Panel's Reasoning, This Separate-But-Equal Arrangement Is Permissible Under Title VII So Long As The 'Separate' Facilities Really Are 'Equal.'"** [United States Court of Appeals for the Seventh Circuit, *United States Equal Employment Opportunity Commission v. AutoZone, Inc.*, No. 15-3201, 11/21/17]

- **"In Other Words, If A Title VII Plaintiff Cannot Prove That Her Employer's Intentional Maintenance Of Racial Segregated Facilities Diminished Her 'Pay, Benefits, Or Job Responsibilities,' Then Her Employer Has Not Violated" The Law.** "Under the panel's reasoning, this separate-but-equal arrangement is permissible under Title VII so long as the 'separate' facilities really are 'equal.' In other words, if a Title VII plaintiff cannot prove that her employer's intentional maintenance of racially segregated facilities diminished her 'pay, benefits, or job responsibilities,' then her employer has not violated section 2000e-2(a). See EEOC v. AutoZone, Inc., 860 F.3d 564, 565, 566, 567, 568 (7th Cir. 2017)." [United States Court of Appeals for the Seventh Circuit, *United States Equal Employment Opportunity Commission v. AutoZone, Inc.*, No. 15-3201, 11/21/17]

- **"That Conclusion … Is Contrary To The Position That The Supreme Court Has Taken In Analogous Equal Protection Cases As Far Back As *Brown V. Board Of Education*, And It Is Contrary To The Position That This Court Took In [A 2000 Case]."** "That conclusion, in my view, is contrary to the position that the Supreme Court has taken in analogous equal protection cases as far back as Brown v. Board of Education, 347 U.S. 483 (1954), and it is contrary to the position that this court took in Kyles v. J.K. Guardian Security Services, Inc., 222 F.3d 289 (7th Cir. 2000)." [United States Court of Appeals for the Seventh Circuit, *United States Equal Employment Opportunity Commission v. AutoZone, Inc.*, No. 15-3201, 11/21/17]

- **"We Can Start With *Brown* To Support For The Proposition That Separate Is Inherently Unequal, Because Deliberate Racial Segregation By Its Very Nature Has An Adverse Effect On The People Subjected To It."** [United States Court of Appeals for the Seventh Circuit, *United States Equal Employment Opportunity Commission v. AutoZone, Inc.*, No. 15-3201, 11/21/17]

- **"In Addition To The Dignitary Harm Stuckey Suffered By Being Victim Of Overt Racial Segregation, AutoZone's Practice Of Designating" Stores By Race "Deprived People Who Did Not Belong To The Designated Racial Group Of Employment Opportunities At Their Preferred Geographic Location."** "The Commission made the point that, in addition to the dignitary harm Stuckey suffered by being the victim of overt racial segregation, AutoZone's practice of designating the Kedzie store as the "Hispanic" store and the Roseland store as the "African-American" store deprived people who did not belong to the designated racial group of employment opportunities at their preferred geographic location. This easily describes an adverse effect, based on impermissible characteristics, on employment opportunities." [United States Court of Appeals for the Seventh Circuit, *United States Equal Employment Opportunity Commission v. AutoZone, Inc.*, No. 15-3201, 11/21/17]

- **"The Fact That Racial Segregation Carries With It A Unique Stigma, Which Makes It Inherently Harmful, Does Not Provide Grounds To Think That The Statutory Language Requiring Segregation To Have An Adverse Effect Is Superfluous."** [United States Court of Appeals for the Seventh Circuit, *United States Equal Employment Opportunity Commission v. AutoZone, Inc.*, No. 15-3201, 11/21/17]

- **"The Panel's Opinion … Endorses The Erroneous View That 'Separate-But-Equal' Workplaces Are Consistent With Title VII."** "Because the panel's opinion, as I read it, endorses the erroneous view that "separate-but-equal" workplaces are consistent with Title VII, I respectfully dissent from denial of rehearing en banc." [United States Court of Appeals for the Seventh Circuit, *United States Equal Employment Opportunity Commission v. AutoZone, Inc.*, No. 15-3201, 11/21/17]

Amy Coney Barrett Ruled In Favor Of A Major Pharma Company Over A Woman Who Was Forced To Get A Hysterectomy Following A Faulty IUD

Case At Issue: *Cheryl Dalton v. Teva North America, et al* (No. 17-1990)

Barrett Wrote The Majority Opinion In A Case That Ended An Injured Women's Lawsuit Against Pharma Giant Teva Pharmaceuticals After Her IUD Broke Inside Her Body.

June 2018: Barrett Wrote The Majority Opinion In *Dalton V. Teva North America*, Which Held A Woman Needed To Provide "Expert Testimony" Showing An IUD Should Not Break Into Pieces While Inside A Patient.

June 2018: Barrett Wrote The Majority Opinion In *Dalton V. Teva North America*, Which Held A Woman Needed To Provide Expert Testimony In Her Suit Against Teva Pharmaceuticals For A Faulty IUD. [United States Court of Appeals for the Seventh Circuit, No. 17-1990, *Cheryl Dalton v. Teva North America, et al.*, No. 17-1990, 6/4/18]

Cheryl Dalton Sued Teva After Part Of Her IUD, Either Before Or During Removal, Became Lodged In Her Uterus And Required A Hysterectomy For Full Removal. "In 2007, Dalton's doctor implanted a ParaGard Intrauterine Device ('IUD') in her uterus. An IUD is a form of long-term birth control, and the one Dalton used is manufactured, marketed, and distributed by a group of corporate affiliates whom we will collectively call 'Teva.' It is not clear what role each of those corporate affiliates plays in relation to this IUD, but this appeal does not require us to sort that out. Dalton became dissatisfied with the IUD in 2013 and asked her doctor to remove it. The doctor did so by grasping the IUD's strings with a ring forcep and pulling the IUD down. The procedure, however, removed only part of the IUD. A piece had broken off either before or during the removal, and that piece was now lodged in her uterus. Dalton's doctor advised her that removing the remaining portion of the IUD would require a hysterectomy." [United States Court of Appeals for the Seventh Circuit, No. 17-1990, *Cheryl Dalton v. Teva North America, et al.*, No. 17-1990, 6/4/18]

Dalton Did Not Provide Expert Testimony In The Case, Arguing The "Causation Issue Was So Straightforward That Expert Testimony Was Unnecessary." "Under the case-management plan submitted by the parties and adopted by the district court, Dalton had until November 18th to disclose any expert witness and serve the expert witness report required by Federal Rule of Civil Procedure 26(a)(2). When Dalton made no expert disclosures, Teva moved for summary judgment. It argued that Indiana law requires expert testimony to show causation in products liability actions, and Dalton's failure to procure any meant that she could not prove an essential element of her claims. Dalton responded that the causation issue was so straightforward that expert testimony was unnecessary." [United States Court of Appeals for the Seventh Circuit, No. 17-1990, *Cheryl Dalton v. Teva North America, et al.*, No. 17-1990, 6/4/18]

- **Dalton "Relied On The Argument That It Was Within The Understanding Of A Layperson That An IUD Should Not Break Into Pieces While Inside A Patient. The Court Did Not Share Her Overly Optimistic Estimation Of The Layperson."** "She filed suit against Teva, but she did not designate an expert. Instead, she relied on the argument that it was within the understanding of a layperson that an IUD should not break into pieces while inside a patient. The court did not share her overly optimistic estimation of the layperson, holding that the absence of an expert witness would invite a jury to speculate about causation." [For the Defense, Product Liability, "A Matter of Common Knowledge: Every Man an Expert," 11/7/18]

Observers: "The Line That Separates The Expert From The Layperson Appears To Be One Legal Standard With Ever-Evolving And Changing Boundaries."

"The Line That Separates The Expert From The Layperson Appears To Be One Legal Standard With Ever-Evolving And Changing Boundaries. […] Unlike Other Legal Standards And Rules, The Layperson Exception Seems To Grow And Shrink As Technology Advances And As The Interests And Lifestyle Of The Country's Population Changes." [For the Defense, Product Liability, "A Matter of Common Knowledge: Every Man an Expert," 11/7/18]

- **Barrett "Contrasted Dalton's Situation With One In Which A Plaintiff Is Hit By A Vehicle And Suffers A Broken Leg; *That*, The Court Concluded, Would Be Within The Understanding Of A Layperson."** "The court contrasted Dalton's situation with one in which a plaintiff is hit by a vehicle and suffers a broken leg; *that*, the court concluded, would be within the understanding of a layperson." [For the Defense, Product Liability, "A Matter of Common Knowledge: Every Man an Expert," 11/7/18]

Prior To And Since Dalton's Suit, Teva Has Faced, And Continues To Face, A Bevy Of Lawsuits Over Its Allegedly Faulty IUD And Its Removal Process.

DrugWatcher HEADLINE: "Paragard Lawsuit: Hundreds Of IUD Complications Cases Filed [2020 Update] [DrugWatcher, Accessed 9/28/20]

September 2020 HEADLINE: "N.Y. Federal Lawsuit Accuses Teva Of Hiding ParaGard IUD's Removal Risks" [Harris Martin Publishing, 9/3/20]

July 2020: "In Addition To Those Previously Filed, Three New Lawsuits Have Been Filed Against Teva Pharmaceuticals, The Manufacturer Of The Intrauterine Medical Device (IUD) Known As Paragard." [National Law Review, 7/14/20]

June 2018: "Paragard And Other IUD's Linked With Serious Injuries" [New York Injury Law News, 6/15/18]

Law 360, March 2013 HEADLINE: "Teva's Defective IUD Caused Injuries, $15M Suit Says" [Law 360, 3/6/13]

Amy Coney Barrett Ruled That Protections Against Age Discrimination For Employees Do Not Also Extend To Job Applicants

Case At Issue: *Dale E. Kleber v. CareFusion Corporation* (No. 17-1206)

Amy Coney Barrett Ruled That Congress Protected Employees From Age Discrimination, But Did Not Protect Job Applicants, And Limited The Types Of Age Discrimination Claims That Can Be Brought.

Dale Kleber, An Experienced Attorney, Applied For A Legal Job With A Posting That Limited Applicant's Experience To Seven Years And The Employer, CareFusion, Hired A 29-Year-Old"; Kleber Sued On The Premise That A Limit On Experience "Ruled Out Older Applicants."

In 2014, Dale Kleber Applied For A "Legal Position" That Specified "Applicants Should Have No More Than Seven Years Of Experience," Despite Having Been An Experienced Attorney And "CareFusion Ended Up Hiring A 29-Year-Old" So Kleber "Sued, Arguing That A Limit On Experience Effectively Ruled Out Older Applicants." "Dale E. Kleber had been out of work for three years when he saw a posting in 2014 for a legal position at CareFusion, a medical technology company. […] So even though the ad specified that applicants should have no more than seven years of experience, Mr. Kleber applied. CareFusion ended up hiring a 29-year-old. Mr. Kleber, a veteran lawyer and former general counsel of a national dairy and food company, sued, arguing that a limit on experience effectively ruled out older applicants." [Patricia Cohen, "New Evidence of Age Bias in Hiring, and a Push to Fight It," *The New York Times*, 06/07/19]

After Hearing The Case, Amy Coney Barrett Supported The Majority Opinion That Congress Did Not Protect Job Applicants When It Protected "Employees From Disparate Impact Age Discrimination."

Amy Cohen Barrett Supported The Majority Opinion In *Kleber v. CareFusion* "That Congress, While Protecting Employees From Disparate Impact Age Discrimination, Did Not Extend That Same Protection To Outside Job Applicants." "The district court dismissed [Kleber's] claim, concluding that § 4(a)(2) of the Age Discrimination in Employment Act did not authorize job applicants like Kleber to bring a disparate impact claim against a prospective employer. A divided panel of this court reversed. We granted en banc review and, affirming the district court, now hold that the plain language of § 4(a)(2) makes clear that Congress, while protecting employees from disparate impact age discrimination, did not extend that same protection to outside job applicants. While our conclusion is grounded in § 4(a)(2)'s plain language, it is reinforced by the ADEA's broader structure and history." [United States Court of Appeals for the Seventh Circuit, *Dale E. Kleber v. CareFusion Corporation*, No. 17-1206, 01/23/19]

The Ruling Also Limited The Kinds Of Age Discrimination Claims Job Applicants, As Opposed To Employees, Could Bring.

The Ruling Held "Job Applicants May Not Bring Claims For Unintentional Age Discrimination Under The Age Discrimination In Employment Act (ADEA)." "A divided U.S. Court of Appeals for the Seventh Circuit, sitting en banc, recently ruled 8-4 that job applicants may not bring claims for unintentional age discrimination under the Age Discrimination in Employment Act (ADEA). In rejecting plaintiff Dale Kleber's claim, the court chiefly relied on the text of the statute, but also supported its position by examining the overall structure of the ADEA. *See Kleber v. CareFusion Corp.* (7th Cir. Jan. 23, 2019)." [Ford Harrison, 1/25/19]

- **Ford Harrison HEADLINE: "Seventh Circuit Limits Job Applicants' Age Discrimination Claims."** [Ford Harrison, 1/25/19]

- **Littler HEADLINE: "Seventh Circuit Rules Age Bias Protections Don't Extend To Prospective Employees For Disparate Impact Claims"** [Littler, 1/28/19]

"The Split Panel (8-4) Held That The Plain Language Of The Statute Made Clear That While Congress Intended To Protect Employees From The Disparate Impact Of Age Discrimination, Congress Did Not Intend For Those Protections To Extend To External Job Applicants." [Littler, 1/28/19]

- **"The Court Stated That It Is Up To Congress To Amend The Statute To Include Job Applicants In That Section's Ambit."** [Ford Harrison, 1/25/19]

One Law Firm Noted That, In Light Of The 7th Circuit's Ruling, "Employers Can Breathe A Collective Sigh Of Relief."

McGuire Woods: "Employers Can Breathe A Collective Sigh Of Relief In Light Of The Recent En Banc Holding Of The 7th U.S. Circuit Court Of Appeals In Kleber V. CareFusion Corporation." ["7th Circuit Rejects Applicant's Age Bias Theory," McGuire Woods, 01/30/19]