

APPENDIX

**Decisions of District Courts in the Eighth Circuit
Post-*Duncan* Finding Sufficient Evidence of
an Objectively Hostile Environment**

Gustafson v. Genesco, Inc., 320 F. Supp. 3d 1032, 1049 (S.D. Iowa 2018).

Houck v. ESA, Inc., No. CIV. 12-4197-KES, 2014 WL 2615773, at *9 (D.S.D. June 12, 2014).

Kopman v. City of Centerville, 871 F. Supp. 2d 875, 892 (D.S.D. 2012) (section 1983).

Rodgers v. Hy-Vee, Inc., 707 F. Supp. 2d 916, 923–24 (S.D. Iowa 2010).

Nelson v. Anoka Cty. Cmty. Action Program, No. CIV 07-4693 DWF/SRN, 2009 WL 2568573, at *3 (D. Minn. Aug. 18, 2009).

Alvarez v. Des Moines Bolt Supply, Inc., No. 4:07-CV-00455-JEG, 2009 WL 10698031, at *9 (S.D. Iowa Jan. 23, 2009), *aff'd*, 626 F.3d 410 (8th Cir. 2010).

Sheriff v. Midwest Health Partners, P.C., No. 8:07CV 475, 2009 WL 2992513, at *6 (D. Neb. Sept. 16, 2009), *aff'd*, 619 F.3d 923 (8th Cir. 2010) (denying motion for judgment as a matter of law).

Frazier v. Arkansas Dep't of Corr., No. 5:07-CV-00184 BSM, 2008 WL 11464720, at *8 (E.D. Ark. Oct. 23, 2008) (section 1983).

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Vandiver v. Little Rock Sch. Dist., No. 4:03-CV-00834 GTE, 2007 WL 2462023, at *14 (E.D. Ark. Aug. 27, 2007).

Edwards v. Sanyo Mfg. Corp., No. 3:05CV00293-WRW, 2007 WL 1381650, at *4 (E.D. Ark. May 10, 2007).

Murphy v. M.C. Lint, Inc., 440 F. Supp. 2d 990, 1010 (S.D. Iowa 2006)

Jagger v. Missouri Dep't of Corrs., No. 05-4272-CV-C-NKL, 2006 WL 3161423, at *5 (W.D. Mo. Oct. 31, 2006).

Henry v. Pemiscot Mem'l Health Sys., No. 1:05 CV 00075 ERW, 2006 WL 2850550, at *8 (E.D. Mo. Oct. 3, 2006).

Stanina v. Blandin Paper Co., No. CIV.04-3804 JRTT/FLN, 2006 WL 2069203, at *6 (D. Minn. July 26, 2006).

Plaetzer v. Borton Auto., Inc., No. CIV.02-3089 JRT/JSM, 2004 WL 2066770, at *6 (D. Minn. Aug. 13, 2004).

Hollen v. USCO Distribution Servs., Inc., No. CIV. 02-1119 JRTFLN, 2004 WL 234408, at *6 (D. Minn. Feb. 3, 2004) (applying Eighth Circuit standards to state-law claim).

Van Horn v. Specialized Support Servs., Inc., 269 F. Supp. 2d 1064, 1071 (S.D. Iowa 2003) (finding however that plaintiff failed to satisfy the subjective element).

**Decisions of District Courts in the Fifth Circuit
Post-*Shepherd* Finding Sufficient Evidence
of an Objectively Hostile Environment**

Hale v. Texas Dep't of Criminal Justice, No. 7:18-CV-097-M-BQ, 2019 WL 7500593, at *7 (N.D. Tex. Dec. 3, 2019), *report and recommendation adopted*, No. 7:18-CV-097-M, 2020 WL 95653 (N.D. Tex. Jan. 8, 2020).

Rice v. Fair, No. 3:17-CV-932-DPJ-FKB, 2019 WL 1907458, at *3 (S.D. Miss. Apr. 29, 2019).

Crumby v. Lifecore Health Grp., LLC, No. 117CV00076 GHDDAS, 2018 WL 3868788, at *4 (N.D. Miss. Aug. 14, 2018).

Equal Employment Opportunity Comm'n v. Dolgen-corp, LLC, No. 3:17CV23-MPM-RP, 2018 WL 2124098, at *3 (N.D. Miss. May 8, 2018).

Lee v. Mission Chevrolet, Ltd., No. EP-16-CV-00034-DCG, 2017 WL 4784368, at *11 (W.D. Tex. Oct. 23, 2017).

Houston v. Mississippi Dep't of Human Servs., 131 F. Supp. 3d 598, 605 (S.D. Miss. 2015).

Salinas v. Kroger Texas, L.P., 163 F. Supp. 3d 419, 428 (S.D. Tex. 2016).

Mason v. Affordable Rent-To-Own LLC, No. CIV.A. 13-0233, 2014 WL 4232689, at *6 (W.D. La. Aug. 26, 2014).

Ladner v. Woodland Vill. Nursing Ctr., No. 1:11CV437-HSO-RHW, 2013 WL 1827681, at *3 (S.D. Miss. Apr. 30, 2013).

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Slaughter v. Word of Faith Int'l Christian Ctr., No. 3:11CV364-DPJ-FKB, 2012 WL 5612373, at *6 (S.D. Miss. Nov. 15, 2012).

Moody v. Kidz-4-Me, Inc., No. 3:08-CV-318-HTW-LRA, 2011 WL 13195914, at *1 (S.D. Miss. May 26, 2011).

Lynch v. Texas Comm'n on Envtl. Quality, No. 6:09CV 309, 2010 WL 11530713, at *5 (E.D. Tex. July 4, 2010).

Valles v. Frazier, No. CIVA SA-08-CA-501-XR, 2009 WL 3617534, at *4 (W.D. Tex. Oct. 27, 2009).

Equal Employment Opportunity Comm'n v. Big Lots Stores, Inc., No. 9:08-CV-177, 2009 WL 10677352, at *4 (E.D. Tex. Oct. 6, 2009).

Adams v. City of Gretna, No. CIV.A 07-9720, 2009 WL 1668374, at *4 (E.D. La. June 12, 2009).

Purvis v. Taber Extrusions, L.P., No. 1:06CV863-LG-JMR, 2008 WL 2389749, at *4 (S.D. Miss. June 10, 2008).
