UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604

Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

NOTICE OF ISSUANCE OF MANDATE

July 18, 2022

To: Gary T. Bell
UNITED STATES DISTRICT COURT
Northern District of Indiana
South Bend, IN 46601-0000

No. 21-3133	DEANN GRAHAM, Plaintiff - Appellant v. COCA-COLA CONSOLIDATED, Defendant - Appellee
Originating Case Information:	
District Court No: 3:19-cv-00386-DRL Northern District of Indiana, South Bend Division District Judge Damon R. Leichty	

Herewith is the mandate of this court in this appeal, along with the Bill of Costs, if any. A certified copy of the opinion/order of the court and judgment, if any, and any direction as to costs shall constitute the mandate.

RECORD ON APPEAL STATUS: No record to be returned

form name: c7_Mandate (form ID: 135)

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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FINAL JUDGMENT

June 24, 2022

Before

DIANE S. SYKES, *Chief Judge*
MICHAEL B. BRENNAN, *Circuit Judge*
MICHAEL Y. SCUDDER, *Circuit Judge*

No. 21-3133	DEANN GRAHAM, Plaintiff - Appellant v. COCA-COLA CONSOLIDATED, Defendant - Appellee
Originating Case Information:	
District Court No: 3:19-cv-00386-DRL Northern District of Indiana, South Bend Division District Judge Damon R. Leichty	

The judgment of the District Court is **AFFIRMED**, with costs, in accordance with the decision of this court entered on this date.

Clerk of Court

form name: **c7_FinalJudgment** (form ID: **132**)

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted June 23, 2022*
Decided June 24, 2022

Before

DIANE S. SYKES, *Chief Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

No. 21-3133

DEANN GRAHAM,
Plaintiff-Appellant,

v.

COCA-COLA CONSOLIDATED,
Defendant-Appellee.

Appeal from the United States District Court for the Northern District of Indiana, South Bend Division.

No. 3:19-CV-386 DRL

Damon R. Leichty,
Judge.

ORDER

DeAnn Graham, a 49-year-old black woman, sued her former employer, Coca-Cola Consolidated, after it fired her for refusing to attend a mandatory training. She alleged that the company discriminated against her because of her race, sex, and age

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

and retaliated against her for reporting racial discrimination. The district court entered summary judgment in favor of Coca-Cola Consolidated, concluding that no reasonable jury could find that the company fired Graham because of her protected status. That reasoning is correct; thus we affirm.

In reviewing the entry of summary judgment against Graham, we review the evidence in the light most favorable to her. *See Anderson v. Nations Lending Corp.*, 27 F.4th 1300, 1304 (7th Cir. 2022). Graham worked at Coca-Cola Consolidated, a company that bottles Coca-Cola beverages, from 2016 to 2018. She worked as a merchandiser, which entailed driving to grocery stores and stocking them with Coca-Cola products. Each month, the company required merchandisers to complete a safety training. If a merchandiser did not complete the training online from home by the 15th of the month, a supervisor would arrange for the merchandiser to come to the company's facility and complete the training on the premises during work hours.

In February 2018, Graham disobeyed an order regarding monthly training. She failed to complete her monthly safety training by the 15th of the month. Aaron Ridge, Graham's direct supervisor, emailed the merchandising team on February 26 to remind anyone who had not completed the training to do so the next day. On February 27, when Ridge sent Graham her daily route, he told her to come to the facility that day for her training and adjusted her route so that she would have time. Graham refused. Instead, she said that she would complete the training the next day. Ridge responded that she had to complete the training on February 27 because he could not adjust her delivery route on February 28. Ridge and William Leinart, another supervisor, warned Graham that Coca-Cola would fire her if she did not come to the facility and complete the training on February 27. Despite the warning, she still refused.

Both Leinart and Graham contacted superiors in the company later on February 27. Leinart emailed Todd Marty, then the vice president of the Indiana market, and reported Graham's disobedience. Graham called a human-resources director and complained that Ridge and Leinart were trying to fire her. According to Graham, the director responded that she should consider retirement.

Graham did not complete the safety training at the facility on February 27, as required. The parties dispute when, after that date, Graham completed her training. Coca-Cola states that Graham called in sick on February 28 and did not complete her training until March 2—after the monthly deadline. Graham states that she completed the training online on February 28.

Coca-Cola fired Graham about ten days after she disobeyed the order to come to the facility for safety training. Shortly before her discharge, on March 7, she asserted to the human-resources director that Ridge and Leinart had created a racially hostile work environment and were conspiring to fire her because of her race. Three days later, Marty ended Graham's employment. Marty testified that "[a]fter speaking to Mr. Ridge and Mr. Leinart, I decided to terminate Ms. Graham's employment due to insubordination, as Ms. Graham refused to follow the directives of her supervisors and failed to complete the mandatory safety training by the deadline."

Graham responded by suing Coca-Cola. She alleged that the company fired her because of her race, sex, age, and her complaint about race discrimination—in violation of Title VII, 42 U.S.C. §§ 2000e–2(a), 3(a), and the Age Discrimination in Employment Act, 29 U.S.C. §§ 621–34. (She also alleged that company took other adverse actions against her, but she does not address those claims on appeal.) The district judge granted Coca-Cola's motion for summary judgment, concluding that no reasonable jury could find that the company fired Graham because of a protected characteristic. Graham had not identified any similarly situated employees who were not members of her protected class and treated more favorably. Nor had she otherwise presented evidence that would permit a factfinder to conclude that the company discriminated against her; rather, the evidence showed, Graham was fired for insubordination. The judge also rejected Graham's retaliation claim because she identified no comparators treated more favorably and failed to show that Marty knew about her complaint of discrimination.

On appeal, Graham argues that she presented sufficient evidence for a jury to conclude that Coca-Cola fired her because of her race, sex, and age and in retaliation for reporting racial discrimination. We begin with her claims of discrimination. She contends that, because the parties dispute whether she completed her training before the end-of-February deadline, a reasonable jury could conclude that she was fired for discriminatory reasons.

Graham has not shown a genuine dispute of material fact from which a jury could reasonably find that she was fired because of her race, sex, or age. *See Bostock v. Clayton Cnty.*, 140 S. Ct. 1731, 1739 (2020); *Lewis v. Ind. Wesleyan Univ.*, ___ F.4th ___, 2022 WL 2093087 WL, at *2 (7th Cir. 2022). Marty stated that he fired Graham for insubordination. A sincere belief that an employee is insubordinate is a lawful basis for firing the employee. *See Burnett v. LFW Inc.*, 472 F.3d 471, 482 (7th Cir. 2006). And Graham does not dispute that she was insubordinate by disobeying an order to finish

her safety training at the facility on February 27, despite a warning that her refusal would lead to discharge. It is immaterial whether Graham actually failed to complete the training by the end February. Marty believed that Graham was insubordinate because she both refused to come to the facility for training on February 27 and failed to finish training by "the deadline." If, as Graham would like, we construe "the deadline" to mean the end of February, a reasonable jury might find that Marty believed he had *two* reasons to fire her for insubordination (her refusal to train at the facility on February 27 and her failure to train by the end of February). Graham needed to furnish evidence that these stated reasons were pretextual—that Marty did not believe them. *See Robertson v. Dep't of Health Servs.*, 949 F.3d 371, 378 (7th Cir. 2020). But she has not. To the contrary, both of Graham's supervisors told Marty that she did not complete the training by the end of the month, and nothing suggests that Marty disbelieved them.

Graham replies that Coca-Cola subjected her to a standard more onerous than it applied to other merchandisers, and that discrimination can be inferred from this difference. She argues that Ridge gave other merchandisers until the end of February to complete their training, but the record contradicts her: Ridge emailed the merchandisers on February 26 and told them to complete their trainings by February 27—the same day Ridge required Graham to come in for training. (Also, Graham does not offer evidence suggesting that these merchandisers were excused from on-premises training.) She also asserts that 19 white men failed to complete their trainings by February 28 and were not fired. But Graham presented no evidence to support this assertion either.

Next, Graham advances one argument specific to her age-discrimination claim. She cites the remark from the human-resources director suggesting that Graham think about retirement and contends that a reasonable jury could infer from this remark that her age motivated Marty to fire her. We will assume that the director's remark is age-related, and we also recognize that an age-related remark can raise an inference of discrimination if made by the decisionmaker around the time of, and in reference to, an adverse employment decision. *Bagwe v. Sedgwick Claims Mgmt. Servs., Inc.*, 811 F.3d 866, 885 (7th Cir. 2016). But the human-resources director did not decide to fire Graham, nor did Graham furnish any evidence that he influenced Marty's decision.

That brings us to Graham's final claim, retaliation, which also fails. To present a triable claim that the company retaliated against her in violation of Title VII, Graham must show that the decisionmaker knew about her protected activity. *See Eaton v. J. H. Findorff & Son, Inc.*, 1 F.4th 508, 512 (7th Cir. 2021). Yet Graham did not produce any

evidence to suggest that Marty knew about her complaint of racial discrimination to human resources before Marty fired her.

We close with a message to the parties about their lack of compliance with our rule on jurisdictional statements. Seventh Circuit Rule 28(a) requires that the appellant submit a jurisdictional statement complying with Federal Rule of Appellate Procedure 28(a)(4). Graham's brief contained no jurisdictional statement. The appellee's job is to review the appellant's jurisdictional statement and tell us if it is incomplete or incorrect. CIR. R. 28(b); FED. R. APP. P. 28(b); *Baez-Sanchez v. Sessions*, 862 F.3d 638, 641 (7th Cir. 2017). Despite the absence of a jurisdictional statement in Graham's brief, Coca-Cola (represented by counsel) inaccurately assured us in its brief that her jurisdictional statement is both "complete and correct." It is vitally important that parties submit accurate jurisdictional statements because federal courts have an obligation to assure themselves of their own jurisdiction. *Id.* We are disappointed that this did not occur here. Nevertheless, our jurisdiction is secure. The district court had subject matter jurisdiction under 28 U.S.C. § 1331 because this action involved federal questions. And we have appellate jurisdiction under 28 U.S.C. § 1291 because the final judgment terminating all claims was entered on October 27, 2021, and Graham timely appealed on November 15, 2021.

AFFIRMED

STATE OF INDIANA	)	IN THE ELKHART SUPERIOR COURT 2
	)SS:	
COUNTY OF ELKHART	)	CAUSE NO. 20D02-9709-JP-000375

IN RE THE PATERNITY OF: INDIGO GRAHAM,	)		
DEANN GRAHAM, Mother,	)		FILED IN OPEN COURT JAN - 6 2016
vs.	)	ORDER	CLERK ELKHART SUPERIOR COURT #2
DAVID TAYLOR, Father	)		

Cause coming on for hearing. Mother appears in person, pro se. Father appears in person, pro se. Parties have reached an agreement which is recited on the record and the Court approves. Father is to pay the accumulated arrearage from August to this date, in the sum of $537, within 30 days of this date. The Court confirms Father's support of $90/wk and $30/wk towards the arrearage. The Court notes Husband is employed for 2 companies, RR Donnelley and Pepsi Co. Parties agree and the Court enters an IWO for $45/wk support and $15/wk towards arrears for both companies. Notice. jh-c

So ORDERED the 6th day of January, 2016.

Stephen R. Bowers, Judge
Elkhart County Superior Court II

FAMILY NOTICE
ELKHART SUPERIOR COURT 2
315 S. Second St.
Elkhart Indiana 46516

Graham V Taylor

20D02-9709-JP-00375

To: Deann Graham
903 Lusher Ave
Elkhart IN 46517

ATTORNEYS		PARTIES	
		PETITIONER Deann Graham	903 Lusher Ave Elkhart, IN 46517
Kelley Susanne Schweinzger	Schweinzger Law Office 106 W Lexington Ave Elkhart IN 46516	RESPONDENT David Taylor	4219 Village Bend Ln Indianapolis, IN 46254

EVENTS:

Entry Date	File Stamp/ Order Signed/ Hearing Date	Event and Comments
12/07/2015		Hearing Journal Entry (Cause coming on for hearing. Mother appears. Father does not appear. Cause to be set for 1/2 day evidentiary hearing. notice. gb/dw-c)
12/07/2015		Administrative Event (Cause set for 1/2 day evidentiary hearing 1-6-16 8:30 a.m. Witness and exhibit list to be filed 10 days prior to trial. notice. dw)

Distribution: David Taylor
Kelley Susanne Schweinzger

Printed 12/7/2015 4:16 PM

FAMILY NOTICE
ELKHART SUPERIOR COURT 2
315 S. Second St.
Elkhart Indiana 46516

Graham V Taylor

20D02-9709-JP-00375

To: Deann Graham
903 Lusher Ave
Elkhart IN 46517

ATTORNEYS		PARTIES	
		PETITIONER Deann Graham	903 Lusher Ave Elkhart IN 46517
Julie A Dominiack	137 North Michigan Street South Bend IN 46601	RESPONDENT David Taylor	1619 Morton Ave Elkhart IN 46516-0000

EVENTS:

Entry Date	File Stamp/ Order Signed/ Hearing Date	Event and Comments
10/21/2013	10/21/2013	Order Issued (Agreed order filed and approved. Father's support is modified to $90/wk commencing October 21, 2013. Father's arrearage is set at $32,338.59 as of October 21, 2013. Father is to notify the Mother and the Court of any change of employment status within 7 days of obtaining same. Notice. jh)

Distribution: Julie A Dominiack

Printed 10/22/2013 10:32 AM

[illegible]
714 N. Michigan Street
South Bend, IN 46601
Phone: (574) 647-7613

GRAHAM, ELAYAH

1624 WINDSONG DR
APT 2
ELKHART, IN 465144190

April 28, 2020

To Whom It May Concern:

Case Number 108001110990
Employee Number: 04782321

Elayah Graham has been under my care since February 2020. I completed FMLA paperwork for DeeAnn Graham, the patient's mother. After completing the original paperwork, the family's situation changed partly as a result of the COVID-19 pandemic. I am completing a new FMLA form today reflecting those changes.

Please contact me or my office with questions or concerns.

Sincerely, Elizabeth A. Davis MD

Elizabeth Davis, MD

f1

uplink

PAYMENTS

			details
12/20/2020	$0.00	$0.00	Click here for additional details
12/20/2020	$0.00	$0.00	Click here for additional details

Keep changing

CLAIMS

Claim Status	Program	BYE	Paid to Date	MBA
Withdrawn	UI	10/23/2021	$0.00	$10,140.00
Expired	UI	03/13/2021	$0.00	$8,970.00
Expired	UI	03/16/2019	$8,320.00	$8,320.00
Expired	UI	12/03/2016	$3,864.00	$4,186.00

Looking for additional information?

- The Unemployment Information Homepage contains links to Frequently Asked Questi Employment Services, Handbooks, Debit Card Information, Veterans Programs and

?

They refused to pay me in 2021 and 2022

Please Att: Chief Roberts, Justice Sotomayor, Justic Jackson

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604

Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

December 6, 2021

By the Court:

No. 21-3133	DEANN GRAHAM, Plaintiff - Appellant v. COCA-COLA CONSOLIDATED, Defendant - Appellee
Originating Case Information:	
District Court No: 3:19-cv-00386-DRL Northern District of Indiana, South Bend Division District Judge Damon R. Leichty	

IT IS ORDERED that briefing will proceed as follows:

1. The brief and required short appendix of the appellant are due by January 5, 2022.

2. The brief of the appellee is due by February 4, 2022.

3. The reply brief of the appellant, if any, is due by February 25, 2022.

was done

Important Scheduling Notice!

Hearing notices are mailed shortly before the date of oral argument. Please note that counsel's unavailability for oral argument must be submitted by letter, filed electronically with the Clerk's Office, no later than the filing of the appellant's brief in a criminal case and the filing of an appellee's brief in a civil case. *See* Cir. R. 34(b)(3). The court's calendar is located at http://www.ca7.uscourts.gov/cal/argcalendar.pdf. Once scheduled, oral argument is rescheduled only in extraordinary circumstances. *See* Cir. R. 34(b)(4), (e).

form name: **c7_Order_BTC** (form ID: **178**)

2

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604

Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

January 5, 2022

Before
DAVID F. HAMILTON, *Circuit Judge*

No. 21-3133	DEANN GRAHAM, Plaintiff - Appellant v. COCA-COLA CONSOLIDATED, Defendant - Appellee
Originating Case Information:	
District Court No: 3:19-cv-00386-DRL Northern District of Indiana, South Bend Division District Judge Damon R. Leichty	

Upon consideration of the **PETITION TO BECOME AN ELECTRONIC FILER**, filed on December 28, 2021, by pro se Appellant DeAnn Graham,

IT IS ORDERED that the motion is **GRANTED**. Appellant DeAnn Graham is granted leave to use the Electronic Case Filing system for filing material in this appeal. This court's Electronic Case Filing Procedures, the Electronic Case Filing User Manual, and answers to frequently asked questions regarding Electronic Case Filing are available at the Seventh Circuit's web site: http://www.ca7.uscourts.gov. The court will terminate Graham's electronic-filing user status upon the termination of the case, upon the termination of her pro se status, or for any abuse of filing privileges.

form name: c7_Order_3J (form ID: 177)

Pacer 1-800 076-6856

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604

Office of the Clerk
Phone: (312) 435-5850
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ORDER

Ex B

March 9, 2022

Before
DIANE P. WOOD, *Circuit Judge*

No. 21-3133	DEANN GRAHAM, Plaintiff - Appellant v. COCA-COLA CONSOLIDATED, Defendant - Appellee
Originating Case Information:	
District Court No: 3:19-cv-00386-DRL Northern District of Indiana, South Bend Division District Judge Damon R. Leichty	

Upon consideration of the **MOTION FOR APPIONTMENT OF COUNSEL**, filed on February 3, 2022, by the pro se appellant,

IT IS ORDERED that the motion for recruitment of counsel is **DENIED**. *See Pruitt v. Mote*, 503 F.3d 647 (7th Cir. 2007) (en banc); *Farmer v. Haas*, 990 F.2d 319, 321 (7th Cir. 1993). The panel assigned to decide this case may recruit counsel if it finds that step appropriate after reviewing the briefs. Briefing in this appeal will proceed as follows:

1. The brief and required short appendix of the appellant are due by April 7, 2022.

2. The brief of the appellee is due by May 9, 2022.

3. The reply brief of the appellant, if any, is due by May 31, 2022. my brief was done never looked

Important Scheduling Notice!

Hearing notices are mailed shortly before the date of oral argument. Please note that counsel's unavailability for oral argument must be submitted by letter, filed electronically with the Clerk's Office, no later than the filing of the appellant's brief in a criminal case and the filing of an appellee's brief in a civil case. *See* Cir. R. 34(b)(3). The court's calendar is located at http://www.ca7.uscourts.gov/cal/argcalendar.pdf. Once scheduled, oral argument is rescheduled only in extraordinary circumstances. *See* Cir. R. 34(b)(4), (e).

they never even looked at the brief they just denied it to record

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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Chicago, Illinois 60604

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ORDER

March 9, 2022

Before
DIANE P. WOOD, *Circuit Judge*

No. 21-3133	DEANN GRAHAM, Plaintiff - Appellant v. COCA-COLA CONSOLIDATED, Defendant - Appellee
Originating Case Information:	
District Court No: 3:19-cv-00386-DRL Northern District of Indiana, South Bend Division District Judge Damon R. Leichty	

Upon consideration of the **MOTION FOR APPIONTMENT OF COUNSEL**, filed on February 3, 2022, by the pro se appellant,

IT IS ORDERED that the motion for recruitment of counsel is **DENIED**. *See Pruitt v. Mote*, 503 F.3d 647 (7th Cir. 2007) (en banc); *Farmer v. Haas*, 990 F.2d 319, 321 (7th Cir. 1993). The panel assigned to decide this case may recruit counsel if it finds that step appropriate after reviewing the briefs. Briefing in this appeal will proceed as follows:

1. The brief of the appellee is due by April 8, 2022.

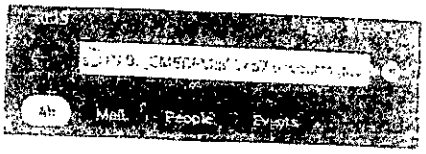
2. The reply brief of the appellant, if any, is due by April 29, 2022.

Important Scheduling Notice!

Hearing notices are mailed shortly before the date of oral argument. Please note that counsel's unavailability for oral argument must be submitted by letter, filed electronically with the Clerk's Office, no later than the filing of the appellant's brief in a criminal case and the filing of an appellee's brief in a civil case. *See* Cir. R. 34(b)(3). The court's calendar is located at http://www.ca7.uscourts.gov/cal/argcalendar.pdf. Once scheduled, oral argument is rescheduled only in extraordinary circumstances. *See* Cir. R. 34(b)(4), (e).

Diane P. Wood made a decision without looking at documents that was there.

EX - A



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21-3133 DeAnn Graham v. Coca-Cola C

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21-3133 DeAnn Graham v. Coca-Cola C...

CA07_CMECFMail@ca7.uscourts....
Re-send: 21-3133 DeAnn Graham v. C...

CA07_CMECFMail@ca7.uscourts....
Re-send: 21-2829 DeAnn Graham v. UNI...

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21-3133 DeAnn Graham v. Coca-Cola C

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21-3133 DeAnn Graham v. Coca-Cola C...

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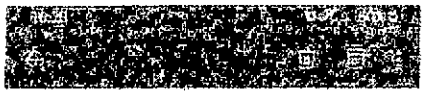
21-2829 DeAnn Graham v. UNM Holdo

5 error for Coca-Cola

3 error for UNM

Total of 8 error by Courts

EX – B



The following transaction was entered on 03/09/2022 at 9:02:56 AM Central Standard Time and filed on 03/09/2022.

Case Name:	DeAnn Graham v. Coca-Cola Consolidated
Case Number:	[illegible]
Document(s):	[illegible]

Docket Text:
ORDER re: Motion for appointment of counsel. [14] The motion for recruitment of counsel is DENIED. See Pruitt v. Mote, 503 F.3d 647 (7th Cir. 2007) (en banc); Farmer v. Haas, 990 F.2d 319, 321 (7th Cir. 1993). The panel assigned to decide this case may recruit counsel if it finds that step appropriate after reviewing the briefs. Briefing in this appeal will proceed as follows: Appellant's brief due on or before 04/07/2022 for DeAnn Graham. Appellee's brief due on or *before 05/09/2022 for Coca-Cola Consolidated.* Appellant's reply brief, if any, is due on or before 05/31/2022 for Appellant DeAnn Graham. MEK [18] [7221857] [21-3133] (CG)

EX - C

7

Ex C

The following transaction was entered on 03/09/2022 at 3:52:02 PM Central Standard Time and filed on 03/09/2022

Case Name: DeAnn Graham v. Coca-Cola Consolidated

Case Number: 21-3133

Document(s): Document(s)

Docket Text:

ORDER: *Amending order of 03/09/2022, re:* Motion for appointment of counsel. The motion for recruitment of counsel is DENIED. See Pruitt v. Mote, 503 F.3d 647 (7th Cir. 2007) (en banc); Farmer v. Haas, 990 F.2d 319, 321 (7th Cir. 1993). The panel assigned to decide this case may recruit counsel if it finds that step appropriate after reviewing the briefs. Briefing in *this appeal will proceed as follows: Appellee's* brief due on or before 04/08/2022 for Coca-Cola Consolidated. Appellant's reply brief, if any, is due on or before 04/29/2022 for Appellant DeAnn Graham 03/09/2022 [7222032] [21-3133] (CG)

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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Office of the Clerk
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FINAL JUDGMENT

June 24, 2022

Before

DIANE S. SYKES, *Chief Judge*
MICHAEL B. BRENNAN, *Circuit Judge*
MICHAEL Y. SCUDDER, *Circuit Judge*

No. 21-3133	DEANN GRAHAM, Plaintiff - Appellant v. COCA-COLA CONSOLIDATED, Defendant - Appellee
Originating Case Information:	
District Court No: 3:19-cv-00386-DRL Northern District of Indiana, South Bend Division District Judge Damon R. Leichty	

The judgment of the District Court is **AFFIRMED**, with costs, in accordance with the decision of this court entered on this date.

Christopher Conway

Clerk of Court

form name: c7_**FinalJudgment** (form ID: 132)

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted June 23, 2022*
Decided June 24, 2022

Before

DIANE S. SYKES, *Chief Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

No. 21-3133

DEANN GRAHAM,
Plaintiff-Appellant,

v.

COCA-COLA CONSOLIDATED,
Defendant-Appellee.

Appeal from the United States District Court for the Northern District of Indiana, South Bend Division.

No. 3:19-CV-386 DRL

Damon R. Leichty,
Judge.

ORDER

DeAnn Graham, a 49-year-old black woman, sued her former employer, Coca-Cola Consolidated, after it fired her for refusing to attend a mandatory training. She alleged that the company discriminated against her because of her race, sex, and age

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

and retaliated against her for reporting racial discrimination. The district court entered summary judgment in favor of Coca-Cola Consolidated, concluding that no reasonable jury could find that the company fired Graham because of her protected status. That reasoning is correct; thus we affirm.

In reviewing the entry of summary judgment against Graham, we review the evidence in the light most favorable to her. *See Anderson v. Nations Lending Corp.*, 27 F.4th 1300, 1304 (7th Cir. 2022). Graham worked at Coca-Cola Consolidated, a company that bottles Coca-Cola beverages, from 2016 to 2018. She worked as a merchandiser, which entailed driving to grocery stores and stocking them with Coca-Cola products. Each month, the company required merchandisers to complete a safety training. If a merchandiser did not complete the training online from home by the 15th of the month, a supervisor would arrange for the merchandiser to come to the company's facility and complete the training on the premises during work hours.

In February 2018, Graham disobeyed an order regarding monthly training. She failed to complete her monthly safety training by the 15th of the month. Aaron Ridge, Graham's direct supervisor, emailed the merchandising team on February 26 to remind anyone who had not completed the training to do so the next day. On February 27, when Ridge sent Graham her daily route, he told her to come to the facility that day for her training and adjusted her route so that she would have time. Graham refused. Instead, she said that she would complete the training the next day. Ridge responded that she had to complete the training on February 27 because he could not adjust her delivery route on February 28. Ridge and William Leinart, another supervisor, warned Graham that Coca-Cola would fire her if she did not come to the facility and complete the training on February 27. Despite the warning, she still refused.

Both Leinart and Graham contacted superiors in the company later on February 27. Leinart emailed Todd Marty, then the vice president of the Indiana market, and reported Graham's disobedience. Graham called a human-resources director and complained that Ridge and Leinart were trying to fire her. According to Graham, the director responded that she should consider retirement.

Graham did not complete the safety training at the facility on February 27, as required. The parties dispute when, after that date, Graham completed her training. Coca-Cola states that Graham called in sick on February 28 and did not complete her training until March 2—after the monthly deadline. Graham states that she completed the training online on February 28.

it was done but due day the 28th

Coca-Cola fired Graham about ten days after she disobeyed the order to come to the facility for safety training. Shortly before her discharge, on March 7, she asserted to the human-resources director that Ridge and Leinart had created a racially hostile work environment and were conspiring to fire her because of her race. Three days later, Marty ended Graham's employment. Marty testified that "[a]fter speaking to Mr. Ridge and Mr. Leinart, I decided to terminate Ms. Graham's employment due to insubordination, as Ms. Graham refused to follow the directives of her supervisors and failed to complete the mandatory safety training by the deadline."

Graham responded by suing Coca-Cola. She alleged that the company fired her because of her race, sex, age, and her complaint about race discrimination—in violation of Title VII, 42 U.S.C. §§ 2000e–2(a), 3(a), and the Age Discrimination in Employment Act, 29 U.S.C. §§ 621–34. (She also alleged that company took other adverse actions against her, but she does not address those claims on appeal.) The district judge granted Coca-Cola's motion for summary judgment, concluding that no reasonable jury could find that the company fired Graham because of a protected characteristic. Graham had not identified any similarly situated employees who were not members of her protected class and treated more favorably. Nor had she otherwise presented evidence that would permit a factfinder to conclude that the company discriminated against her; rather, the evidence showed, Graham was fired for insubordination. The judge also rejected Graham's retaliation claim because she identified no comparators treated more favorably and failed to show that Marty knew about her complaint of discrimination.

On appeal, Graham argues that she presented sufficient evidence for a jury to conclude that Coca-Cola fired her because of her race, sex, and age and in retaliation for reporting racial discrimination. We begin with her claims of discrimination. She contends that, because the parties dispute whether she completed her training before the end-of-February deadline, a reasonable jury could conclude that she was fired for discriminatory reasons.

Graham has not shown a genuine dispute of material fact from which a jury could reasonably find that she was fired because of her race, sex, or age. *See Bostock v. Clayton Cnty.*, 140 S. Ct. 1731, 1739 (2020); *Lewis v. Ind. Wesleyan Univ.*, ___ F.4th ___, 2022 WL 2093087 WL, at *2 (7th Cir. 2022). Marty stated that he fired Graham for insubordination. A sincere belief that an employee is insubordinate is a lawful basis for firing the employee. *See Burnett v. LFW Inc.*, 472 F.3d 471, 482 (7th Cir. 2006). And Graham does not dispute that she was insubordinate by disobeying an order to finish

her safety training at the facility on February 27, despite a warning that her refusal would lead to discharge. It is immaterial whether Graham actually failed to complete the training by the end February. Marty believed that Graham was insubordinate because she both refused to come to the facility for training on February 27 and failed to finish training by "the deadline." If, as Graham would like, we construe "the deadline" to mean the end of February, a reasonable jury might find that Marty believed he had *two* reasons to fire her for insubordination (her refusal to train at the facility on February 27 and her failure to train by the end of February). Graham needed to furnish evidence that these stated reasons were pretextual—that Marty did not believe them. *See Robertson v. Dep't of Health Servs.*, 949 F.3d 371, 378 (7th Cir. 2020). But she has not. To the contrary, both of Graham's supervisors told Marty that she did not complete the training by the end of the month, and nothing suggests that Marty disbelieved them.

Graham replies that Coca-Cola subjected her to a standard more onerous than it applied to other merchandisers, and that discrimination can be inferred from this difference. She argues that Ridge gave other merchandisers until the end of February to complete their training, but the record contradicts her: Ridge emailed the merchandisers on February 26 and told them to complete their trainings by February 27—the same day Ridge required Graham to come in for training. (Also, Graham does not offer evidence suggesting that these merchandisers were excused from on-premises training.) She also asserts that 19 white men failed to complete their trainings by February 28 and were not fired. But Graham presented no evidence to support this assertion either.

Next, Graham advances one argument specific to her age-discrimination claim. She cites the remark from the human-resources director suggesting that Graham think about retirement and contends that a reasonable jury could infer from this remark that her age motivated Marty to fire her. We will assume that the director's remark is age-related, and we also recognize that an age-related remark can raise an inference of discrimination if made by the decisionmaker around the time of, and in reference to, an adverse employment decision. *Bagwe v. Sedgwick Claims Mgmt. Servs., Inc.*, 811 F.3d 866, 885 (7th Cir. 2016). But the human-resources director did not decide to fire Graham, nor did Graham furnish any evidence that he influenced Marty's decision.

That brings us to Graham's final claim, retaliation, which also fails. To present a triable claim that the company retaliated against her in violation of Title VII, Graham must show that the decisionmaker knew about her protected activity. *See Eaton v. J. H. Findorff & Son, Inc.*, 1 F.4th 508, 512 (7th Cir. 2021). Yet Graham did not produce any

At Near Hatch on page 10 of 1 3 1 of 1 part at your home on year on time

evidence to suggest that Marty knew about her complaint of racial discrimination to human resources before Marty fired her.

We close with a message to the parties about their lack of compliance with our rule on jurisdictional statements. Seventh Circuit Rule 28(a) requires that the appellant submit a jurisdictional statement complying with Federal Rule of Appellate Procedure 28(a)(4). Graham's brief contained no jurisdictional statement. The appellee's job is to review the appellant's jurisdictional statement and tell us if it is incomplete or incorrect. CIR. R. 28(b); FED. R. APP. P. 28(b); *Baez-Sanchez v. Sessions*, 862 F.3d 638, 641 (7th Cir. 2017). Despite the absence of a jurisdictional statement in Graham's brief, Coca-Cola (represented by counsel) inaccurately assured us in its brief that her jurisdictional statement is both "complete and correct." It is vitally important that parties submit accurate jurisdictional statements because federal courts have an obligation to assure themselves of their own jurisdiction. *Id.* We are disappointed that this did not occur here. Nevertheless, our jurisdiction is secure. The district court had subject matter jurisdiction under 28 U.S.C. § 1331 because this action involved federal questions. And we have appellate jurisdiction under 28 U.S.C. § 1291 because the final judgment terminating all claims was entered on October 27, 2021, and Graham timely appealed on November 15, 2021.

AFFIRMED

They blocked my oral argument and they block a appointment of attorney without new documents.

14

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Indianapolis District Office

101 West Ohio Street Suite 1900 Indianapolis, IN 46204 4203

(317) 226 7212

TTY (317) 226 5162 FAX (317) 226 7953 & 5571

August 6 2018

DeAnn G Graham 1513 Flag Day Lane Elkhart IN 46514

Re Graham v Coca Cola South Bend

Charge Number: 470-2018 02110

Dear Ms Graham

I have received the Respondents (Coca Cola South Bend) position statement and I wanted to discuss the investigation of your charge of discrimination and the evidence the Respondent has provided in response to your allegations.

The Respondent stated: Charging Party was employed with the Company as a Merchandiser since May 2016 until her termination on March 10 2018. On December 13th 2017 Janise Moeller HR Business Partner IN Market Unit; Todd Marty Market Unit Vice President Indiana; and Brad Keinsley Director of Retail Sales.

Finally, Charging Party was required to complete a safety training which she refused to do due to her perceived inconvenience of her new route. To make sure Charging Party could complete her safety training by the deadline of March 1 Company even gave some of the stores on her route to someone else for one day so that Charging Party **could** come on site to complete her safety training Despite the Company's flexibility and attempt to convenience Charging Party she did not show up. The Respondent warned Charging Party that if she did not complete the safety training by the deadline of March 1, she would be in violation of the Code of Conduct Ultimately Charging Party did not complete her safety training by the deadline and found herself in violation of the Code of Conduct As a result of Charging Party's Code of Conduct violation, she was terminated.

Safety test was done and completed 22nd February

15

3:19-CV-386-DRJ

BC 7

Gmail

DeAnn Graham <deanngg7@gmail.com>

Fwd: Safety training

2 messages

Graham, Deann <Deann.Graham@ccbcc.com>
To: "deanngg7@gmail.com" <deanngg7@gmail.com>

Thu, Jan 11, 2018 at 2:23 PM

Sent from my Verizon, Samsung Galaxy smartphone

1 only black woman

22
2 African American men
1 woman
19 white

-------- Original message --------
From: "Ridge, Aaron" <Aaron.Ridge@ccbcc.com>
Date: 1/3/18 11:10 AM (GMT-05:00)
To: "Davis, Chadd" <Chadd.Davis@ccbcc.com>, "Stalcup, David" <David.Stalcup@ccbcc.com>, "Graham, Deann" <Deann.Graham@ccbcc.com>, "Hampton, Jordan" <Jordan.Hampton@ccbcc.com>, "Helman, Michael" <Michael.Helman@ccbcc.com>, "Hovis, Tracy" <Tracy.Hovis@ccbcc.com>, "Hrycaj, Jason" <Jason.Hrycaj@ccbcc.com>, "Hamilton, Jeron" <Jeron.Hamilton@ccbcc.com>, "Jones, Joseph" <Joseph.Jones@ccbcc.com>, "Kajzer, Joseph" <Joseph.Kajzer@ccbcc.com>, "Leahy, Joseph" <Joseph.Leahy@ccbcc.com>, "Vargo, Joseph" <Joseph.Vargo@ccbcc.com>, "Olinger, Joshua" <Joshua.Olinger@ccbcc.com>, "Bono, Julian" <Julian.Bono@ccbcc.com>, "Pyott, Krystal" <Krystal.Pyott@ccbcc.com>, "Klyce, Nelson" <Nelson.Klyce@ccbcc.com>, "Niespodziany, Anthony" <Anthony.Niespodziany@ccbcc.com>, "Saldana, Victor" <Victor.Saldana@ccbcc.com>, "Welling, Paul" <Paul.Welling@ccbcc.com>, "Willamowski, Devin" <Devin.Willamowski@ccbcc.com>, "Wright, RobertA" <RobertA.Wright@ccbcc.com>, "Carpenter, Zachary" <Zachary.Carpenter@ccbcc.com>, "Patterson, Zachary" <Zachary.Patterson@ccbcc.com>
Subject: Safety training

The new safety training has started to drop, Please do it now. If you want paid to do it on the hourly rate it must be done before January 14. After that it is just expected that you will get it done at the plant or home on your own time. Take advantage now so you get paid

Aaron Ridge | Merchandising Supervisor | South Bend |
Coca-Cola Bottling Co. Consolidated, 1700 W. Ireland Rd. South Bend 46614

Cell# 765-215-3229 | Email: aaron.ridge@ccbcc.com

after Jan 14, 18 we were not paid

DeAnn Graham <deanngg7@gmail.com>
To: DeAnn <deanngg7@gmail.com>

Wed, Jan 22, 2020 at 7:00 PM

[Quoted text hidden]

116

dictionary
thesaurus

view recents

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Hello.
GAMES THESAURUS WORD OF THE DAY BLOG SHOP SETTINGS

- SAVED WORDS view recents

"own time"

The following 4 entries include the term *own time*.

a legend in one's own time

idiom

: a person who is famous while still living for doing something extremely well

See the full definition

in its own time

idiom

: at the time that is right or appropriate for one and not sooner

See the full definition

in one's own time

idiom

: the time during which a company is not paying a worker

See the full definition

on one's own time

idiom

: the time during which a company is not paying a worker

See the full definition

17

Gmail

DeAnn Graham <deanngg7@gmail.com>

letter

6 messages

Ridge, Aaron <Aaron.Ridge@ccbcc.com>
To: "deanngg7@gmail.com" <deanngg7@gmail.com>

Tue, Jan 16, 2018 at 10:54 AM

To whom it may concern,

I have worked with DeAnn Graham Since June of 2017 as her immediate supervisor, DeAnne has shown in that time outstanding work ethic, drive, leadership and overall performance. DeAnne is a consistent over-achiever and will always complete her daily task 100 percent. DeAnne is an employee that I wish I had a staff full of, If I could hire 20 DeAnne's I would do so in a heartbeat. As much as I would hate to lose her as a top performing employee I would highly recommend her to any Job with the confidence she would make an immediate impact on your team. Deann has shown great punctuality and attendance in her time with me, I never have had to be concerned if she would be at work. If you have any questions feel free to reach out to me at 765-215-3229

Aaron Ridge | Merchandising Supervisor | South Bend |
Coca-Cola Bottling Co. Consolidated, 1700 W. Ireland Rd. South Bend 46614

Cell# 765-215-3229 | Email: aaron.ridge@ccbcc.com

deanngg7 <deanngg7@gmail.com>
To: "Ridge, Aaron" <Aaron.Ridge@ccbcc.com>

Tue, Jan 16, 2018 at 2:41 PM

Hello Aaron, thank you for the reference letter. Thank you, for the kind hearted things you said about me. For the schedule this week I should be off on the 20th you have me scheduled off for the 21st. If can make that correction it would be appreciate. Also did you speak with Brad or HR? If you do not have time could you give me the lady's name that comes down for our meetings from our corporate office from HR and I will reach out to her. If you don't know her name then I can reach out to Brad. I need to speak to her about us being paid to do those tests.
Thank you,
DeAnn

Sent from my Verizon, Samsung Galaxy smartphone
[Quoted text hidden]

DeAnn Graham <deanngg7@gmail.com>
To: Deann.Graham@ccbcc.com

Tue, Feb 27, 2018 at 3:24 PM

---------- Forwarded message ----------
From: **Ridge, Aaron** <Aaron.Ridge@ccbcc.com>

Gmail

DeAnn Graham <deanngg7@gmail.com>

Fwd: February safety training

1 message

Graham, Deann <Deann.Graham@ccbcc.com>
To: "deanngg7@gmail.com" <deanngg7@gmail.com>

Tue, Feb 27, 2018 at 10:53 AM

There was
Deann Graham - 1 black lady
- 19 caucasian
- 3 black men
- 1 mexican

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: "Ridge, Aaron" <Aaron.Ridge@ccbcc.com>
Date: 2/26/18 9:23 AM (GMT-05:00)
To: "Davis, Chadd" <Chadd.Davis@ccbcc.com>, "Stalcup, David" <David.Stalcup@ccbcc.com>, "Graham, Deann" <Deann.Graham@ccbcc.com>, "Hampton, Jordan" <Jordan.Hampton@ccbcc.com>, "Helman, Michael" <Michael.Helman@ccbcc.com>, "Hovis, Tracy" <Tracy.Hovis@ccbcc.com>, "Hrycaj, Jason" <Jason.Hrycaj@ccbcc.com>, "Hamilton, Jeron" <Jeron.Hamilton@ccbcc.com>, "Jones, Joseph" <Joseph.Jones@ccbcc.com>, "Kajzer, Joseph" <Joseph.Kajzer@ccbcc.com>, "Leahy, Joseph" <Joseph.Leahy@ccbcc.com>, "Vargo, Joseph" <Joseph.Vargo@ccbcc.com>, "Olinger, Joshua" <Joshua.Olinger@ccbcc.com>, "Bono, Julian" <Julian.Bono@ccbcc.com>, "Pyott, Krystal" <Krystal.Pyott@ccbcc.com>, "Klyce, Nelson" <Nelson.Klyce@ccbcc.com>, "Niespodziany, Anthony" <Anthony.Niespodziany@ccbcc.com>, "Saldana, Victor" <Victor.Saldana@ccbcc.com>, "Welling, Paul" <Paul.Welling@ccbcc.com>, "Willamowski, Devin" <Devin.Willamowski@ccbcc.com>, "Wright, RobertA" <RobertA.Wright@ccbcc.com>, "Carpenter, Zachary" <Zachary.Carpenter@ccbcc.com>, "Patterson, Zachary" <Zachary.Patterson@ccbcc.com>
Subject: February safety training

Team,

Several of you haven't completed this, this must be done by tomorrow. It was the 28th of Feb
I was compliant and
Obey the rules of my
test was done on
the 28th of Feb 28

Aaron Ridge | Merchandising Supervisor | South Bend |
Coca-Cola Bottling Co. Consolidated, 1700 W. Ireland Rd. South Bend 46614

Cell# 765-215-3229 | Email: aaron.ridge@ccbcc.com

complete her routes on February 28, which is why Ridge arranged for Graham to complete the mandatory safety training on February 27. [District Court Doc. No. 114-1, Ridge Dec., ¶ 18; District Court Doc. No. 114-2, Marty Dec., ¶ 26]. Moreover, on February 28, 2018, Graham called in sick and did not complete the mandatory safety training until March 1, 2018 and March 2, 2018. [District Court Doc. No. 114-1, Ridge Dec., ¶ 20; District Court Doc. No. 114-2, Marty Dec., ¶ 26, Ex. 7].

Graham refused to report to the facility for the mandatory safety training and failed to complete the training by the deadline. As a result, on or around March 10, 2018, CCCI terminated Graham's employment in accordance with CCCI's Workplace Conduct Policy which states employees will be formally disciplined for insubordination, which includes termination. [District Court Doc. No. 114-3, Borella Dec., ¶ 21; District Court Doc. No. 114-2, Marty Dec., ¶ 28, Exs. 7 and 8]. Marty made the decision to terminate Plaintiff's employment after speaking to Ridge and Leinart. [District Court Doc. No. 114-3, Borella Dec., ¶ 21; District Court Doc. No. 114-2, Marty Dec., ¶ 27].

E. Graham's Internal Complaint of Discrimination, Retaliation and Racial Bias

On March 7, 2018, after Ridge and Leinart warned Graham that CCCI will terminate her employment if she did not report to the facility to complete her training, and after Graham failed to complete her training by the March 1 deadline, Graham sent Greenberg an email alleging (for the first time) discrimination, retaliation, and racial bias. [District Court Doc. No. 114-4, Greenberg Dec., ¶ 24, Ex. 11].

#20 BC7 3:19-CV-326-BRJ

CC

THIS COMPLETES THE FOLLOWING:
Industrial Ergonomics - Global

WHAT WOULD YOU LIKE TO DO NEXT?

Print Diploma
Print the diploma to verify that you have completed this training.

Return Home
Return to the home page to view your schedule.

TRAINING OVERVIEW

2 of 2 items completed

Industrial Ergonomics - Global
Lesson • Required • Completed 02-28-2018 • Started 02-01-2018

Industrial Ergonomics - Global
Training • Required • Completed 02-28-2018 • Started 02-01-2018

Industrial Ergonomics - Global Test
Test • Required • Completed 02-28-2018 • Started 02-01-2018

21

In the
United States Court of Appeals
for the Seventh Circuit

No.21-3133

DeAnn Graham,

Plaintiff Appellant,

VS

Coca-Cola Consolidated

Defendants-Appellees,

The Appeal NO.: ~~21-3129~~ 21-3133
The United States District Court for the
Northern District of South Bend,
Court No. 3:19-cv-00386-DRL-MGG

BRIEF OF PLAINTIFF – APPELLANT
DEANN GRAHAM

I DeAnn G. Graham, the Plaintiff – Appellant pro se litigant, brought this to enforce Title VII of the Civil Right Act of 1964 and Age Discrimination in Employment Act.

What is the nature of the case and the principal factual and legal issues? "Discriminated against based on my race (African American), sex (female), age 46 (DOB June 12, ,1972) and retaliated against" which under Title III which is a violation of Civil Rights Act of 1964. The Age Discrimination in Employment Act of 1967 (ADEA) which is a violation of Civil Rights.

The formal complaint for Employment Discrimination, based on Pay, Racial bias, Gender, Age, Wrongful termination, and Retaliation. We had a meeting on March the 7th 2018 and I was terminated on March the 10th 2018 for Insubordination, of my safety class that was done on time. I feel this retaliation against me was because, I reported Aaron Ridge for saying racial comments about African American men at the company and William Leinart, for retaliation against me. Despite the Discrimination, and Retaliation I have received from Manager, Supervisor, Human Resources, and other top people from the Coca-Cola. Todd Marty, Janise Moeller Brad Kinsley, Diane Borella, Howard Morris, Aaron Ridge and William Leinart. I remained committed faithful and loyal to this company from day one. I showed them proof in the documents of my safety print out, was done on time. I should have been protected, I have rights against racial discrimination.

STATEMENT

Title VII of the Civil Rights Act of 1964 is a federal law that prohibits employers from discriminating against employees on the basis of sex, race, color, national origin and religion. It generally applies to employers with 15 or more employees, including federal, state and local governments. Title VII also applies to private and public colleges and universities, employment agencies, and labor organizations.

The Age Discrimination in Employment Act of 1967 (ADEA) protects certain applicants And employees 40 years of age and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, or terms, conditions or privileges of employment. "To effectuate its sweeping purpose, to forbids discrimination against individuals in major are as of public life, and among employment.

WORK HISTORY WITH CCC

I had worked at Coca- Cola Refreshment until Coca – Cola Consolidated took over our Indiana division from May 2016 to March 2018. I have always, taken great pride in my job and have Always had great Work ethic, and I never received a verbal or a written warning. I've followed all the rules did all my mandatory meetings and test since I worked there. William Leinart, shortly after that arrived in South Bend and I very quickly started seeing the change in Aaron Ridge, I knew it was over for me. William wanted me gone, the racial bias, and gender was clear. William, use gender and bias to cost me the job with the union in Indianapolis, with CCC. We had a meeting on March
the 7th 2018 and I was terminated on March the 10th 2018 for lies of insubordination, that I had not done my safety class on line that was not true. I have always complied with my job, but management retaliated against me deliberately discriminated and retaliated against me because I reported Aaron Ridge, after he had said many racial discriminating comments about African American men at Coca-Cola. Aaron Ridge being white, he was still allowed to kept his Job. But I was fired, me being the only black woman I lost my job, for Hostile working Environment. I was the only black woman out of 19 caucasians, 1 Mexican, and 3 black men because they fired the other black men. Aaron Ridge sent out an email about hourly pay was done and safety test January the 11th 2018-hour pay is done after Jan 14. That after the 14th we Would no long be paid. CCC cut my pay, and retaliated when I said something to HR and management about it. On February the 27th Aaron Ridge sent out an email to **all** the

Merchandisers 1 black lady myself, 19 caucasians, 1 Mexican, and 3 black men who had not Completed, the February safety test, that it had to be done by the 28th. I completed my test on the 28th like I was told, then CCC claimed it was never done that, I never completed the safety test and fired me. CCC said to do the time on your own time or you **COULD** go to the CCC building, I finish before the Deadline Of March 1, 2018. There was no safety test do, this was retaliation for reporting Aaron and William.

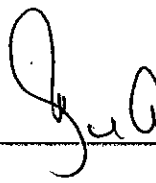
I received a letter telling people how outstanding of an employee I was, here was no safety test do, this retaliation was because I told the truth, and nobody wants to hear the truth.

There was no safety test do, I

had not broken one rule at that company. I did not get fired until I had reported Aaron for saying those discriminating things against the black man at the company. This contradicting what was said own time is not mandatory. Coca-Cola have abused their authority and misused their power in a negative way. I have been denied the right to work at Coca -Cola base on racial bias and my age. Nothing but, discrimination, there is an environment that is hostile, towards African Americans employees if they feel; you are going against their grain. Coca-Cola knows the true that they have refused to acknowledge a history of bias in the company against African Americans. Coca-Cola caused a catastrophic situation for me and my daughters that we did not Deserve. Coca-Cola had Unsubstantiated and frivolous claims, from Coca Cola legal claim, they have no evidence to back it up my safety test was not done what I was fired for. In no way was factual support to this claim of Coca Cola, it should be Dismissed for lack of evidence. Coca Cola legal claim, was baseless and have no evidence to back it up, I was fired for turning Aaron in for Discrimination based on his behavior and for me standing against systemic racism in Coca Cola and their history of it. While an all-white panel of management had me fired and Falsified Documents that I didn't take a safety test never lost anything. They cause these me to lose my Pay, Racial bias, Gender, Age, defamation, Wrongful termination, and Retaliation, emotional distress and mental anguish. But claimed Arron did nothing wrong and Management, have suffered had the hand of Coca-Cola, I ask the courts

Respectfully to in my favor and against CCCI in all claims and Complaints, there was absolutely no mandatory safety test do, enter final judgement in my favor DeAnn G. Graham and grant all relief.

Respectfully Submitted,



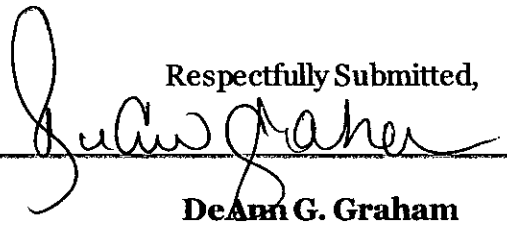
DeAnn G. Graham

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished via electronically This 5th day of June 2021.

Respectfully submitted this 5th day of June 2021

Respectfully Submitted,



DeAnn G. Graham

Ogletree, Deakins, Nash, Smoak & Stewart
Tiaundra M. Foster and
Brandon M. Shelton
111 Monument Circle, Suite 4600
Indianapolis, Indiana 46204
Attorney for Appellee

DeAnn Graham
1624 Windsong Dr. Apt. 2
Elkhart, In. 46514
317-771-1063
deannggo721@outlook.com

Plaintiffs-Appellants

mail be tampered and delay

2e

Graham vs Coca-Coca

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Elkhart, IN 46514

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UNITED STATES DISTRICT COURT
5400 FEDERAL PLAZA
HAMMOND, INDIANA 46320

OFFICIAL BUSINESS

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5 months

2/18/22

DeAnn Graham
1624 Windsong Dr. Apt 2
Elkhart, IN 46514

46514-419002

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OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
1300 S. HARRISON STREET
FORT WAYNE, INDIANA 46802

OFFICIAL BUSINESS

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DeAnn G Graham
1624 Windsong Dr, Apt 2
Elkhart, IN 46514

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vings Bank

Post Office Box 527 • Rochester, Indiana 46975-0527

July 1 2022

Fort Wayne, Indianapolis USPS have been delaying 3 January withdrawal

HANN G GRAHAM
624 WINDSONG DR APT 2
LKHART IN 46514-4190

46514-4190

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Post Office Box 527 • Rochester, Indiana 46975-0527

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NN G GRAHAM
WINDSONG DR APT 2
HART, IN 46514-4190

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31

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DEANN G GRAHAM,

Plaintiff,

v.

CASE NO. 3:21-CV-750-JD-MGG

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
5400 FEDERAL PLAZA
HAMMOND INDIANA 46320

OFFICIAL BUSINESS

10/6/21

May 27, 2022, 10:26 am
Arrived at USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

32

May 24, 2022, 12:49 pm
Arrived at USPS Regional Facility
FORT WAYNE IN DISTRIBUTION CENTER

May 23, 2022, 11:43 am
Arrived at USPS Regional Facility
INDIANAPOLIS IN-DISTRIBUTION CENTER

never got the courts documents

May 21, 2022, 2:26 pm
Arrived at USPS Regional Facility
FORT WAYNE IN DISTRIBUTION CENTER

May 20, 2022, 9:52 am
Departed USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

May 19, 2022, 8:52 am
Arrived at USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER

May 17, 2022, 10:21 am
Arrived at USPS Regional Facility
FORT WAYNE IN DISTRIBUTION CENTER

Feedback