

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

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Christopher M. Wolpert  
Clerk of Court

Jane K. Castro  
Chief Deputy Clerk

November 09, 2023

Carina M. Gonzalez  
P.O. Box 1073  
Denver, CO 80201

**RE: 23-1073, Gonzalez v. Englewood Lock and Safe**  
Dist/Ag docket: 1:20-CV-03686-SKC

Dear Appellant:

Enclosed is a copy of the order and judgment issued today in this matter. The court has entered judgment on the docket pursuant to Fed. R. App. P. Rule 36.

Please contact this office if you have questions.

Sincerely,



Christopher M. Wolpert  
Clerk of Court

cc: Gary M. Kramer

CMW/sds

Appendix A

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

November 9, 2023

Christopher M. Wolpert  
Clerk of Court

CARINA M. GONZALEZ,

Plaintiff - Appellant,

v.

ENGLEWOOD LOCK AND SAFE, INC.,

Defendant - Appellee.

No. 23-1073  
(D.C. No. 1:20-CV-03686-SKC)  
(D. Colo.)

**ORDER AND JUDGMENT\***

Before **HOLMES**, Chief Judge, **HARTZ**, and **MORITZ**, Circuit Judges.

Carina Gonzalez appeals from the district court's midtrial grant of judgment as a matter of law in favor of her former employer, Englewood Lock and Safe, Inc. (ELSI), in her suit alleging sex discrimination, hostile work environment, constructive discharge, and retaliation in violation of Title VII of the Civil Rights Act of 1964. Exercising jurisdiction under 28 U.S.C. § 1291, we affirm.

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\* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G).* The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

## **I. BACKGROUND**

Ms. Gonzalez worked as a locksmith and field technician for ELSI from October 2017 to December 2018. During that time she was ELSI's only female field technician. She filed this lawsuit against ELSI in December 2020. Her amended complaint alleged that ELSI violated Title VII by (1) paying her less and giving her different terms, conditions, and privileges of employment than her male colleagues with comparable experience; (2) subjecting her to a hostile work environment; (3) constructively discharging her; and (4) retaliating against her. For relief, she sought monetary damages and injunctive relief.

In February 2023 the district court held a jury trial on her claims. After Ms. Gonzalez rested her case, ELSI orally moved for judgment as a matter of law (JMOL) on all four claims. The district court granted the motion and entered judgment in ELSI's favor. On appeal Ms. Gonzalez argues the district court erred in entering JMOL, and requests that we reverse and remand for a new trial.

## **II. DISCUSSION**

A district court may enter JMOL if "a party has been fully heard on an issue during a jury trial and the court finds that a reasonable jury would not have a legally sufficient evidentiary basis to find for the party on that issue." Fed. R. Civ. P. 50(a)(1). In other words, "[w]hen a defendant seeks judgment as a matter of law, the controlling question is whether the plaintiff has arguably proven a legally sufficient claim." *Bay v. Anadarko E&P Onshore LLC*, 73 F.4th 1207, 1215 (10th Cir. 2023) (internal quotation marks omitted).

Ms. Gonzalez represents herself, so we construe her filings liberally. *See Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). We review de novo a district court’s disposition of a motion for JMOL. *See Arnold Oil Props. LLC v. Schlumberger Tech. Corp.*, 672 F.3d 1202, 1206 (10th Cir 2012). In doing so, we draw all reasonable inferences in favor of the nonmoving party; we do not weigh the evidence or assess witness credibility. *Bay*, 73 F.4th at 1215.

At the outset we note that our ability to review the district court’s disposition is limited because Ms. Gonzalez did not provide a trial transcript. *See Morrison Knudsen Corp. v. Fireman’s Fund Ins. Co.*, 175 F.3d 1221, 1238 (10th Cir. 1999) (“An appellant’s failure to provide a necessary transcript . . . raises an effective barrier to informed, substantive appellate review.” (internal quotation marks omitted)). We will therefore presume the district court’s discussion of the trial evidence is accurate and conduct our review accordingly.

#### **A. Discrimination**

Title VII proscribes employment discrimination with respect to “compensation, terms, conditions, or privileges of employment” based on an individual’s “race, color, religion, sex, or national origin.” 42 U.S.C. § 2000e-2(a)(1).

Regarding Ms. Gonzalez’s pay-discrimination claim, the district court found that the record lacked evidence of her male comparator’s pay. The court also determined that even if Ms. Gonzalez had demonstrated a pay disparity, there was insufficient evidence to support a finding that the disparity was motivated by her sex.

On her related claim of disparate terms, conditions, and privileges of employment, the district court noted Ms. Gonzalez's testimony that she had to beg her colleague for an oil change for her company vehicle but determined "there was no evidence to suggest that it was because of her sex." Suppl. R. at 21. The court also found relevant Ms. Gonzalez's testimony that although a male colleague commented "that she would be a better man than him if she made it into fieldwork within six months," she was given the opportunity to perform fieldwork, and received "a significant raise" as a result. *Id.* at 18–19. The court similarly noted Ms. Gonzalez's testimony that she wanted to work on safes and that she perceived the opportunity she was given to work on a safe as an attempt to placate her. The court concluded Ms. Gonzalez's own testimony was "objective evidence" that she was afforded that opportunity. *Id.* at 19.

On appeal Ms. Gonzalez has not shown that a reasonable jury would have had sufficient grounds to find that the disparities she alleged were because of her sex. We therefore uphold the district court's disposition of her discrimination claims.

## **B. Hostile Work Environment**

"A plaintiff may establish a violation of Title VII by proving that discrimination based on sex has created a hostile or abusive work environment." *Delsa Brooke Sanderson v. Wyo. Highway Patrol*, 976 F.3d 1164, 1174 (10th Cir. 2020) (brackets and internal quotation marks omitted). To sustain a hostile-work-environment claim, "a plaintiff must show (1) that she was discriminated against because of her sex; and (2) that the discrimination was sufficiently severe or

pervasive such that it altered the terms or conditions of her employment and created an abusive working environment.” *Id.* (internal quotation marks omitted).

Ms. Gonzalez’s amended complaint claimed ELSI subjected her to a “constant sexually hostile work environment” and “unwelcome harassment specifically based on [her] sex.” R. at 71. The district court determined that “no reasonable jury could find that any of the conduct complained of was based on Ms. Gonzalez’s sex or that it was sufficiently severe or pervasive to rise to the level of a hostile work environment.” Suppl. R. at 25.

In reaching its conclusion the district court provided a detailed analysis of Ms. Gonzalez’s testimony about various incidents between herself and other ELSI employees. The court found Ms. Gonzalez’s testimony that a female colleague once “touch[ed] Ms. Gonzalez’s butt with [a] part sleeve,” made comments to her about “man juice,” and asked her “whether she watches porn before she has sex with her boyfriend,” was “arguably the most egregious” of the conduct she alleged. *Id.* at 22–23. But the court determined the record lacked “evidence to tie that conduct to Ms. Gonzalez’s sex” and correctly observed that “the law allows for a certain measure of banter, even of a sexual nature.” *Id.* at 23.

Ms. Gonzalez has not demonstrated on appeal that she advanced sufficient evidence at trial for a reasonable jury to find that the harassment she alleged was because of her sex. Accordingly, we uphold the district court’s disposition of her hostile-work-environment claim.

### **C. Constructive Discharge**

“Under federal law, constructive discharge occurs when the employer by its illegal discriminatory acts has made working conditions so difficult that a reasonable person in the employee’s position would feel compelled to resign.” *Bennett v. Windstream Commc’ns, Inc.*, 792 F.3d 1261, 1269 (10th Cir. 2015) (brackets and internal quotation marks omitted). “To establish constructive discharge, a plaintiff must show that she had no other choice but to quit.” *Id.* (internal quotation marks omitted).

Ms. Gonzalez’s amended complaint alleged that she had no choice but to resign after she became the “chosen technician by force and ridicule by [her] supervisors” for a “customer with evident severe mental illness.” R. at 77. In concluding that JMOL was warranted on the constructive-discharge claim, the district court noted Ms. Gonzalez’s testimony that there was always another technician with her when she did service calls for that customer. On appeal Ms. Gonzalez has not demonstrated that she provided sufficient evidence at trial for a reasonable jury to find that she had no choice but to resign. Thus, we affirm the district court’s disposition of her constructive-discharge claim.

### **D. Retaliation**

“Title VII prohibits retaliation against an employee who has opposed any practice made unlawful by Title VII.” *Bennett*, 792 F.3d at 1269 (internal quotation marks omitted); *see* 42 U.S.C. § 2000e-3(a). “Title VII retaliation claims require an

employee to demonstrate that, but for her protected activity, she would not have faced the alleged adverse employment action.” *Bennett*, 792 F.3d at 1269.

Ms. Gonzalez claimed ELSI retaliated against her by withholding money from her final paycheck and by harassing her with an invoice. In granting ELSI’s motion for JMOL on her retaliation claim, the district court pointed out that Ms. Gonzalez testified that she did not complain to her employer about the alleged mistreatment. The court said it was undisputed that Ms. Gonzalez did not return some work items and ELSI issued the invoice for the unreturned items. Finally, the court concluded that even assuming Ms. Gonzalez engaged in protected activity, the record lacked evidence that the invoice or paycheck issue was retaliation for any protected activity. On appeal Ms. Gonzalez did not show that she presented sufficient evidence at trial to sustain a retaliation claim. We therefore uphold the district court’s disposition of that claim.

### **III. Conclusion**

We discern no reversible error in the district court’s decision. We therefore affirm the judgment below for substantially the same reasons stated by the district court. We deny Ms. Gonzalez’s motion for leave to proceed without prepayment of costs and fees.

Entered for the Court

Harris L Hartz  
Circuit Judge

23-1073

Carina M. Gonzalez  
P.O. Box 1073  
Denver, CO 80201

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# Minute Entries and Orders on Motions

1:20-cv-03686-SKC Gonzalez v.  
Englewood Lock and Safe, Inc.

CONMAG,JD1,MJ CIV PP

## U.S. District Court - District of Colorado

### District of Colorado

#### Notice of Electronic Filing

The following transaction was entered on 2/14/2023 at 7:16 AM MST and filed on 2/13/2023

**Case Name:** Gonzalez v. Englewood Lock and Safe, Inc.

**Case Number:** 1:20-cv-03686-SKC

**Filer:**

**Document Number:** 83

#### Docket Text:

**COURTROOM MINUTES** for proceedings held before Magistrate Judge S. Kato Crews: Jury Trial

Day 1 held on 2/13/2023. Jury selected, opening statements, testimony, and evidence admitted.

**Court Reporter:** Kevin Carlin. (amont, )

#### 1:20-cv-03686-SKC Notice has been electronically mailed to:

Gary M. Kramer gary@garykramerlaw.com

#### 1:20-cv-03686-SKC Notice has been mailed by the filer to:

Carina M Gonzalez  
P.O. Box 1073  
Denver, CO 80201

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**Document description:** Main Document

**Original filename:** n/a

**Electronic document Stamp:**

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3775c9abbd74cf165105ec9203918851e7554ca68cfa330b6986638f666bb]]

Appendix B

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge S. Kato Crews**

Civil Action: 20-cv-03686-SKC  
Courtroom Deputy: Amanda Montoya

Date: February 13, 2023  
Court Reporter: Kevin Carlin

*Parties:*

CARINA M GONZALEZ,

Plaintiff,

v.

ENGLEWOOD LOCK AND SAFE, INC.,

Gary Kramer

Defendants.

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**COURTROOM MINUTES**

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**HEARING: JURY TRIAL - DAY 1**

**Court in session: 08:08 a.m.**

Court calls case. Appearances of counsel and pro se party. Sheila Gallegos and Tom Gallegos are present at defense counsel table.

Jury not present.

The Court reviews the logistics of trial with the parties.

Ms. Gonzalez does not object to Mr. and Mrs. Gallegos sitting at counsel table during the course of trial. Mr. Gallegos is the corporate representative and Mrs. Gallegos is exempt from the sequestration order. All other witnesses will be sequestered.

8:27 a.m. COURT IN RECESS

8:55 a.m. COURT IN SESSION – Jury panel present. 15 jurors in the box.

Preliminary remarks by the Court to the jury panel.

9:02 a.m. Oath given to entire jury panel.

The Court gives introduction of case.

9:11 a.m. Preliminary questions by the Court directed at the jurors in the box.

9:22 a.m. Bench conference.

9:22 a.m. Juror excused for cause:  
100451396  
One juror called to jury box. Preliminary questions by the Court directed at the new juror.

9:30 a.m. Bench conference.

9:31 a.m. Juror excused for cause:  
100469470  
One juror called to jury box. Preliminary questions by the Court directed at the new juror.

9:36 am. Voir dire by the Court.

9:58 a.m. Bench conference.

10:05 a.m. Bench conference.

10:12 a.m. Juror excused for cause:  
100429236  
One juror called to jury box. Preliminary questions and voir dire by the Court directed at the new juror.

10:18 a.m. Bench conference.

10:28 a.m. Bench conference.

10:29 a.m. Plaintiff's peremptory challenges:  
100454077  
100441062  
100447631  
  
Defendant's peremptory challenges:  
100424827  
100446444  
100441119

Nine jurors empaneled to try the case:  
100430458  
100424043  
100459259  
100463195  
100442433  
100429236

100447783  
100445318  
100439475

Remaining jurors excused with thanks of the Court.

10:32 a.m. COURT IN RECESS  
10:53 a.m. COURT IN SESSION – Jury present.

Oath given to empaneled jurors.

The Court gives preliminary instructions to the jury and provides a synopsis of the case.

11:06 a.m. Opening statement by Ms. Gonzalez.  
11:14 a.m. Opening statement by Mr. Kramer.  
11:34 a.m. Jury excused for lunch.

Discussion regarding exhibit admission and testimony of Mr. and Mrs. Gallegos.

11:45 a.m. COURT IN RECESS  
12:34 p.m. COURT IN SESSION – Jury not present.

At this time, the Court will not allow Mr. Kramer to exceed the scope of direct on his cross of Mr. and Mrs. Gallegos. The Court may revisit during their examinations.

Ms. Gonzalez may put on a rebuttal case at the conclusion of Mr. Kramer's case.

Discussion regarding evidence that was not previously disclosed. No party may use an exhibit that has not been previously disclosed.

12:41 p.m. Jury present.  
Thomas Gallegos called and sworn. Direct examination by Ms. Gonzalez.

1:11 p.m. Bench conference.  
1:26 p.m. Bench conference.  
1:53 p.m. Bench conference.  
2:03 p.m. COURT IN RECESS  
2:21 p.m. COURT IN SESSION – Jury present.

Continued direct examination of Mr. Gallegos.

2:43 p.m. Bench conference.

3:05 p.m. Bench conference.

**Exhibits admitted: C, B, D, F, E**

3:42 p.m. COURT IN RECESS

3:53 p.m. COURT IN SESSION – Jury present.

Cross examination by Mr. Kramer.

4:02 p.m. Bench conference.

**Exhibit admitted: A**

4:30 p.m. Jury excused to return tomorrow at 9:00 a.m.

TRIAL CONTINUED.

**Court in recess: 04:35 p.m.**

Total time in court: 06:20

# Trial Documents

1:20-cv-03686-SKC Gonzalez v.  
Englewood Lock and Safe, Inc.

CONMAG,JD1,MJ CIV PP

## U.S. District Court - District of Colorado

### District of Colorado

#### Notice of Electronic Filing

The following transaction was entered on 2/14/2023 at 7:18 AM MST and filed on 2/13/2023

**Case Name:** Gonzalez v. Englewood Lock and Safe, Inc.

**Case Number:** 1:20-cv-03686-SKC

**Filer:**

**Document Number:** 84

**Docket Text:**

**STRIKE SHEET redacted.(amont, )**

**1:20-cv-03686-SKC Notice has been electronically mailed to:**

Gary M. Kramer gary@garykramerlaw.com

**1:20-cv-03686-SKC Notice has been mailed by the filer to:**

Carina M Gonzalez  
P.O. Box 1073  
Denver, CO 80201

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** n/a

**Electronic document Stamp:**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 20-cv-03686-SKC

CARINA M GONZALEZ,

Plaintiff,

v.

ENGLEWOOD LOCK AND SAFE, INC.,

Defendant.

**STRIKE SHEET**

	Juror Number	Juror Name	Plaintiff's Challenge	Defendant's Challenge	
1	100454077		X		1
2	100441062		X		2
3	100430458				3
4	100424043				4
5	100459259				5
6	100463195				6
7	100442433				7
8	100429236				8
9	100424827			X	9
10	100446444			X	10
11	100447631		X		11
12	100441119			X	12
13	100447783				13
14	100445318				14
15	100439475				15

JUROR NAMES  
REDACTED

# Trial Documents

1:20-cv-03686-SKC Gonzalez v.  
Englewood Lock and Safe, Inc.

CONMAG,JD1,MJ CIV PP

## U.S. District Court - District of Colorado

### District of Colorado

#### Notice of Electronic Filing

The following transaction was entered on 2/14/2023 at 7:19 AM MST and filed on 2/13/2023

**Case Name:** Gonzalez v. Englewood Lock and Safe, Inc.

**Case Number:** 1:20-cv-03686-SKC

**Filer:**

**Document Number:** 85

**Docket Text:**

**STRIKE SHEET - Unredacted - Level 3 - Viewable by Court Only. (amont, )**

**1:20-cv-03686-SKC Notice has been electronically mailed to:**

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**1:20-cv-03686-SKC Notice has been mailed by the filer to:**

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P.O. Box 1073  
Denver, CO 80201

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** n/a

**Electronic document Stamp:**

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MIME-Version:1.0  
From:COD\_ENotice@cod.uscourts.gov  
To:COD\_ENotice@cod.uscourts.gov  
Bcc:  
--Case Participants: Gary M. Kramer (gary@garykramerlaw.com), Magistrate Judge Michael E. Hegarty (hegarty\_chambers@cod.uscourts.gov), Magistrate Judge S. Kato Crews (crews\_chambers@cod.uscourts.gov)  
--Non Case Participants:  
--No Notice Sent:  
  
Message-Id:<9025027@cod.uscourts.gov>  
Subject:Activity in Case 1:20-cv-03686-SKC Gonzalez v. Englewood Lock and Safe, Inc. Jury Trial - Held  
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**U.S. District Court - District of Colorado**

**District of Colorado**

**Notice of Electronic Filing**

The following transaction was entered on 2/15/2023 at 8:57 AM MST and filed on 2/14/2023

**Case Name:** Gonzalez v. Englewood Lock and Safe, Inc.

**Case Number:** 1:20-cv-03686-SKC

**Filer:**

**Document Number:** 86

**Docket Text:**

**COURTROOM MINUTES** for proceedings held before Magistrate Judge S. Kato Crews: Jury Trial Day 2 held on 2/14/2023. Testimony given and evidence admitted. ORDERED: Defendant's midtrial oral motion for judgment as a matter of law pursuant to Fed.R.Civ.P. 50(a) is granted in part and taken under advisement in part, as stated on the record. Court Reporter: Kevin Carlin. (lrobe)

**1:20-cv-03686-SKC Notice has been electronically mailed to:**

Gary M. Kramer gary@garykramerlaw.com

**1:20-cv-03686-SKC Notice has been mailed by the filer to:**

Carina M Gonzalez  
P.O. Box 1073  
Denver, CO 80201

The following document(s) are associated with this transaction:

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge S. Kato Crews**

Civil Action: 20-cv-03686-SKC  
Courtroom Deputy: Amanda Montoya

Date: February 14, 2023  
Court Reporter: Kevin Carlin

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*Parties:*

CARINA M GONZALEZ,

Plaintiff,

v.

ENGLEWOOD LOCK AND SAFE, INC.,

Gary Kramer

Defendants.

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**COURTROOM MINUTES**

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**HEARING: JURY TRIAL - DAY 2**

**Court in session: 08:31 a.m.**

Court calls case. Appearances of counsel and pro se party. Sheila Gallegos and Tom Gallegos are present at defense counsel table.

Jury not present.

Jury instruction conference held.

8:43 a.m. COURT IN RECESS

9:14 a.m. COURT IN SESSION – Jury present.

Thomas Gallegos is reminded he is still under oath and takes the stand. Redirect by Ms. Gonzalez.

9:21 a.m. Mr. Gallegos excused.

9:21 a.m. Sheila Gallegos called and sworn. Direct by Ms. Gonzalez.

9:44 a.m. Bench conference.

10:28 a.m. Bench conference

10:32 a.m. COURT IN RECESS

10:48 a.m. COURT IN SESSION – Jury present.

Continued direct examination of Ms. Gallegos.

11:04 a.m. Bench conference.

**Exhibit admitted: 2**

11:22 a.m. Cross examination by Mr. Kramer.

11:34 a.m. Redirect by Ms. Gonzalez.

11:39 a.m. Ms. Gallegos is excused.

11:40 a.m. Carina Gonzalez called and sworn. Direct examination by Ms. Gonzalez facilitated by the Court.

11:55 a.m. COURT IN RECESS

1:08 p.m. COURT IN SESSION – Jury present.

Continued direct examination of Ms. Gonzalez, facilitated by the Court.

1:45 p.m. Bench conference.

**Exhibit admitted: 3**

2:16 p.m. Bench conference.

2:30 p.m. Jury in recess.

Court's remarks to the parties regarding trial timing.

2:34 p.m. COURT IN RECESS

2:49 p.m. COURT IN SESSION – Jury present.

Continued direct examination of Ms. Gonzalez, facilitated by the Court.

**Exhibits admitted: 4, 5**

3:23 p.m. Cross-examination of Ms. Gonzalez by Mr. Kramer.

4:18 p.m. Bench conference.

4:33 p.m. Redirect examination of Ms. Gonzalez, facilitated by the Court.

Plaintiff rests.

4:38 p.m. Jury in recess until 8:30 a.m. Wednesday, February 14, 2023.

Defendant moves orally for judgment as a matter of law pursuant to Fed.R.Civ.P. 50(a) on all four claims.

Argument.

Court's findings of fact, conclusions of law, and orders.

**ORDERED:** Defendant's oral motion for judgment as a matter of law pursuant to Fed.R.Civ.P. 50(a) is GRANTED on the claims of retaliation, constructive discharge, and sex discrimination, but as to compensation only. Defendant's oral motion is TAKEN UNDER ADVISEMENT as to the claims of hostile work environment and sex discrimination as to all other terms, conditions, and privileges of plaintiff's employment. The Court's ruling will issue as soon as practicable.

Discussion held regarding trial timing and prospective witnesses.

**Court in recess: 5:32 p.m.**

TRIAL CONTINUED.

Total time in court: 07:02

MIME-Version:1.0  
From:COD\_ENotice@cod.uscourts.gov  
To:COD\_ENotice@cod.uscourts.gov  
Bcc:  
--Case Participants: Gary M. Kramer (gary@garykramerlaw.com), Magistrate Judge S. Kato Crews (crews\_chambers@cod.uscourts.gov), Magistrate Judge Michael E. Hegarty (hegarty\_chambers@cod.uscourts.gov)  
--Non Case Participants:  
--No Notice Sent:

Message-Id:<9025244@cod.uscourts.gov>  
Subject:Activity in Case 1:20-cv-03686-SKC Gonzalez v. Englewood Lock and Safe, Inc. Jury Trial - Completed  
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**U.S. District Court - District of Colorado**

**District of Colorado**

**Notice of Electronic Filing**

The following transaction was entered on 2/15/2023 at 10:37 AM MST and filed on 2/15/2023

**Case Name:** Gonzalez v. Englewood Lock and Safe, Inc.

**Case Number:** 1:20-cv-03686-SKC

**Filer:**

**Document Number:** 87

**Docket Text:**

**COURTROOM MINUTES** for proceedings held before Magistrate Judge S. Kato Crews: Jury Trial Day 3 completed on 2/15/2023. Defendant's oral motion for judgment as a matter of law pursuant to Fed.R.Civ.P. 50(a) is GRANTED as to the remainder of the sex discrimination claim and as to the hostile work environment claim. In conjunction with the Court's ruling yesterday, the motion has been granted as to all claims. Judgement will be entered in favor of Defendant. Court Reporter: Kevin Carlin. (amont, )

**1:20-cv-03686-SKC Notice has been electronically mailed to:**

Gary M. Kramer gary@garykramerlaw.com

**1:20-cv-03686-SKC Notice has been mailed by the filer to:**

Carina M Gonzalez  
P.O. Box 1073  
Denver, CO 80201

The following document(s) are associated with this transaction:

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge S. Kato Crews**

Civil Action: 20-cv-03686-SKC  
Courtroom Deputy: Amanda Montoya

Date: February 15, 2023  
Court Reporter: Kevin Carlin

*Parties:*

CARINA M GONZALEZ,

Plaintiff,

v.

ENGLEWOOD LOCK AND SAFE, INC.,

Gary Kramer

Defendants.

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**COURTROOM MINUTES**

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**HEARING: JURY TRIAL - DAY 3**

**Court in session: 08:52 a.m.**

Court calls case. Appearances of counsel and pro se party. Sheila Gallegos and Tom Gallegos are present at defense counsel table.

Jury not present.

**ORDERED:** Defendant's oral motion for judgment as a matter of law pursuant to Fed.R.Civ.P. 50(a) is **GRANTED** as to the remainder of the sex discrimination claim and as to the hostile work environment claim. In conjunction with the Court's ruling yesterday, the motion has been granted as to all claims. Judgement will be entered in favor of Defendant.

TRIAL CONCLUDED.

**Court in recess: 09:23 a.m.**

Total time in court: 00:31

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 20-cv-03686-SKC

CARINA M. GONZALEZ,  
Plaintiff,

2

ENGLEWOOD LOCK AND SAFE, INC.  
Defendant

EXHIBIT LIST OF: CARINA M. GONZALEZ, PLAINTIFF

Exhibit	Witness	Brief Description	Stipulation	Offered	Admitted	Rejected	Chart Line Only
Exhibit Invoice 1	E/SI staff Debbie Foster and owner Tom Gallegos	E/SI invoice for services rendered from Debbie Foster. E/SI Accounting on 12/13/2018	No discriminatory relational and hostile work environment claims	Paper document			
Exhibit Invoice 2 and envelope	Plaintiff: Camila M. Gonzalez	E/SI invoice for services received by mail dated 1/2019	No discriminatory relational and hostile work environment claims	Paper document	✓	✓	Swiecia Gallegos
Exhibit Leather jacket	Plaintiff: Camila M. Gonzalez	Leather jacket given to Plaintiff by E/SI Store Manager Tee Deschain as work attire	Hostile work environment claim	Paper document	✓		TT
Exhibit DVD 1	Plaintiff: Camila M. Gonzalez	Cashaway DVD with Tee Deschain handwriting	Hostile work environment claim	Paper document	✓		TT
Exhibit DVD 2	Plaintiff: Camila M. Gonzalez	Torned Camp DVD with missing inferior disk 1st	Hostile work environment claim	Paper document	✓		TT

CASE CAPTION: CARINA GONZALEZ V. ENGLEWOOD LOCK & SAFE, INC.

CASE NO.: 1:20-CV-03686-SKC

**EXHIBIT LIST OF: ENGLEWOOD LOCK & SAFE, INC., et al., Defendants  
(Name and Party Designation)**

## Other Orders/Judgments

1:20-cv-03686-SKC Gonzalez v.  
Englewood Lock and Safe, Inc.

CONMAG,JD1,MJ CIV PP

## U.S. District Court - District of Colorado

### District of Colorado

#### Notice of Electronic Filing

The following transaction was entered on 2/15/2023 at 10:41 AM MST and filed on 2/15/2023

**Case Name:** Gonzalez v. Englewood Lock and Safe, Inc.

**Case Number:** 1:20-cv-03686-SKC

**Filer:**

**WARNING: CASE CLOSED on 02/15/2023**

**Document Number:** 88

**Docket Text:**

**JUDGMENT re: [87] Courtroom Minutes in favor of Englewood Lock and Safe, Inc. against Carina M Gonzalez. By Clerk on 2/15/2023. (amont, )**

**1:20-cv-03686-SKC Notice has been electronically mailed to:**

Gary M. Kramer gary@garykramerlaw.com

**1:20-cv-03686-SKC Notice has been mailed by the filer to:**

Carina M Gonzalez  
P.O. Box 1073  
Denver, CO 80201

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP\_dcecfStamp\_ID=1071006659 [Date=2/15/2023] [FileNumber=9025262-0  
] [91ad2bec08e6cd73c43cf88bc7807353350c411c88eaa8c188400234f90d10985d9  
2573bb930f09f522c3af182700fe65c41370c64fc7be082428ee48599a7a6]]

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 20-cv-03686-SKC

CARINA M GONZALEZ,

Plaintiff,

v.

ENGLEWOOD LOCK AND SAFE, INC.,

Defendants.

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**JUDGMENT**

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In accordance with Federal Rule of Civil Procedure 58(a), the following Judgment is hereby entered.

This action was tried as a jury trial before United States Magistrate Judge S. Kato Crews. Upon completion of Plaintiff's case, Defendant made an oral motion under Federal Rule of Civil Procedure 50(a). Defendant's motion was granted. It is

ORDERED that judgment is entered in favor of Defendant Englewood Lock and Safe, Inc. and against Plaintiff Carina M Gonzalez.

DATED: February 15, 2023.

FOR THE COURT:  
JEFFREY P. COLWELL, CLERK:

By: s/Amanda Montoya  
Amanda Montoya  
Deputy Clerk

## Other Orders/Judgments

1:20-cv-03686-SKC Gonzalez v.

Englewood Lock and Safe, Inc.

**CASE CLOSED on 02/15/2023**

CONMAG,JD1,MJ CIV

PP,TERMED

## U.S. District Court - District of Colorado

### District of Colorado

#### Notice of Electronic Filing

The following transaction was entered on 2/15/2023 at 10:45 AM MST and filed on 2/15/2023

**Case Name:** Gonzalez v. Englewood Lock and Safe, Inc.

**Case Number:** 1:20-cv-03686-SKC

**Filer:**

**WARNING: CASE CLOSED on 02/15/2023**

**Document Number:** 89 (No document attached)

#### Docket Text:

**ORDER REGARDING CUSTODY OF EXHIBITS** It is ORDERED that at the conclusion of the trial, counsel and pro se parties shall retain custody of their respective exhibits until such time as all need for the exhibits has terminated and the time to appeal has expired or all appellate proceedings have been terminated plus sixty days. SO ORDERED by Magistrate Judge S. Kato Crews on 2/15/2023. Text Only Entry (amont, )

#### 1:20-cv-03686-SKC Notice has been electronically mailed to:

Gary M. Kramer gary@garykramerlaw.com

#### 1:20-cv-03686-SKC Notice has been mailed by the filer to:

Carina M Gonzalez

P.O. Box 1073

Denver, CO 80201

# ELSI Writ of Certiorari to US Supreme Court

From: Carina Gonzalez (carina.gonzalez21@yahoo.com)

To: gary@garykramerlaw.com

Date: Tuesday, February 6, 2024 at 04:59 PM MST

Hello Mr. Kramer,

I hope you and your loved ones are healthy and well.

Attached you will find my Writ of Certiorari for the US Supreme Court and I plan on filing it tonight or on the date of deadline tomorrow. I am attaching this email as certificate of delivery to opposing counsel to be included in my packet as the instructions ask.

I am open to discussion if needed--talk soon, take care and be well.

Best,  
Carina



CG vs ELS SC (2-6-2024 scanned).pdf  
1.5MB