APPENDIX

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APPENDIX A

Extension granted to extend time to file petition for writ of certiorari

No. 26A105

Title:	Christopher Buchanan, Applicant v. Commonwealth Edison
Docketed:	July 22, 2026
Lower Ct:	United States Court of Appeals for the Seventh Circuit
Case Numbers:	(25-1698)

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Party name: Christopher Buchanan

Proceedings and Orders

Jul 17 2026	Application (26A105) to extend the time to file a petition for a writ of certiorari from July 27, 2026 to September 25, 2026, submitted to Justice Barrett. **Main Document**
Jul 24 2026	Application (26A105) granted by Justice Barrett extending the time to file until September 25, 2026.

APPENDIX B

NONPRECEDENTIAL DISPOSITION
USCOA Order

NONPRECEDENTIAL DISPOSITION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 April 28, 2026*
Decided April 28, 2026

CERTIFIED COPY
A True Copy.
Teste:
Deputy Clerk of the United States Court of Appeals for the Seventh Circuit

Before

THOMAS L. KIRSCH II, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

REBECCA TAIBLESON, *Circuit Judge*

No. 25-1698

CHRISTOPHER BUCHANAN,
Plaintiff-Appellant,

v.

COMMONWEALTH EDISON,
Defendant-Appellee.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 23 C 5247

Matthew F. Kennelly,
Judge.

ORDER

Christopher Buchanan appeals the summary judgment rejecting his claims that his employer, Commonwealth Edison (ComEd), denied him a promotion because of his color and race, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2, and 42 U.S.C. § 1981. The district court concluded that Buchanan did not provide sufficient evidence of discrimination. We affirm.

* 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).

We construe the evidence presented at summary judgment in the light most favorable to Buchanan, the non-moving party, and draw reasonable inferences in his favor. *Paterakos v. City of Chicago*, 147 F.4th 787, 795 (7th Cir. 2025). Buchanan, who is African American, maintains that in early 2022 he was denied a promotion based on his race. Since 2016, he had been employed in ComEd's Smart Meter Operations (SMO) division as a work planner, and in April 2021 he assumed a business analyst position. A few months later, Buchanan applied for a promotion to senior supervisor. Although Buchanan was the hiring manager's first choice, he was deemed ineligible for the supervisory position by the division's head, Jim Conway, because he had not satisfied ComEd's one-year tenure policy. That policy required non-union employees, like Buchanan, to serve in their current position for one year before seeking a promotion. Conway refused to waive the requirement for Buchanan. Later, the hiring manager's second choice withdrew his application, and his third-choice candidate declined the position. With no eligible candidates left to consider, the hiring manager removed the job posting.

Buchanan sued ComEd for employment discrimination, arguing that Conway's decision to enforce the one-year policy against him was pretext for racial discrimination. As evidence, Buchanan pointed to two white employees, Brain Tepper and Bradley Preston, who previously had been work planners and later were promoted despite having held their positions for less than a year. Buchanan also derides the one-year policy as pretense, since he was allowed to interview for the supervisory position without having the requisite year's tenure.

ComEd moved for summary judgment, and the district court granted the motion. Applying both the holistic approach of *Ortiz v. Werner Enters., Inc.*, 834 F.3d 760 (7th Cir. 2016), and the burden-shifting framework of *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), the court concluded that no reasonable jury could find that ComEd discriminated against Buchanan. First, the court determined that Tepper and Preston were not appropriate comparators. Tepper, the court explained, was promoted to meet an urgent need; as a licensed electrician, he brought distinct technical expertise to the role that Buchanan did not have. Preston's circumstances were even less similar because he had spent eight years as a supervisor before his promotion. The court also concluded that Buchanan's interpretation of the one-year policy did not support an inference of discrimination because he failed to present evidence that ComEd agreed with his interpretation or had interviewed other applicants for a promotion who lacked a year's tenure.

On appeal, Buchanan first challenges the district court's conclusion that Tepper and Preston were not similarly situated to him. Invoking *Ortiz*, he insists that both employees are appropriate comparators because they were promoted despite not satisfying the one-year requirement.

Whether employees are similarly situated is a "flexible, common-sense, and factual" inquiry. *David v. Bd. of Trs. of Cmty. Coll. Dist. No. 508*, 846 F.3d 216, 226 (7th Cir. 2017) (quoting *Coleman v. Donahoe*, 667 F.3d 835, 841 (7th Cir. 2012)). Relevant factors include "whether the employees (i) held the same job description, (ii) were subject to the same standards, (iii) were subordinate to the same supervisor, and (iv) had comparable experience, education, and other qualifications—provided the employer considered these latter factors in making the personnel decision." *Id.* (citation omitted).

The district court correctly concluded that the record did not permit an inference that the men were similarly situated. Tepper, the court noted, had prior experience both as a supervisor and an electrician—unique credentials that led Conway to waive the one-year requirement when a recent retirement had left SMO shorthanded and in need of a senior supervisor. Although Buchanan invoked his master's degree as evidence of his expertise, he does not explain how it bears upon the role he sought. As for Preston, the court pointed to his eight years' supervisory experience in SMO—a relevant background that prompted Conway to set aside the one-year requirement once Preston had become available upon his unexpected release from another ComEd division.

Buchanan next argues that the district court failed to credit his interpretation of the one-year policy as evidence of pretext. He insists that ComEd effectively waived the policy by allowing him to advance to an interview without having served in his current position a year. But pretext is a "dishonest explanation," a "lie rather than an oddity or an error." *Vassileva v. City of Chicago*, 118 F.4th 869, 874 (7th Cir. 2024) (citations omitted). And Buchanan does not point to anything in the record to suggest that Conway did not honestly believe his interpretation of the policy.

Finally, Buchanan argues that the district court impermissibly reviewed each piece of evidence in isolation (e.g., his ranking as the first-choice candidate, the selective enforcement of policy, and his proffered comparators) rather than in the aggregate, as required by *Ortiz v. Werner Enter., Inc.*, 834 F.3d 760, 765–66 (7th Cir. 2016). He maintains that his evidence, viewed holistically, creates a "convincing mosaic" of discrimination. But in *Ortiz*, we "reiterate[d] that 'convincing mosaic' is not a legal test" and therefore not the appropriate standard to evaluate evidence of employment discrimination. *Id.* at 765. Rather, courts must determine whether the evidence, viewed "as a whole" would allow "a reasonable factfinder to conclude that the plaintiff's race ...

caused the discharge or other adverse employment action." *Id.*; *see Wince v. CBRE, Inc.*, 66 F.4th 1033, 1040 (7th Cir. 2023). The district court here considered all Buchanan's cited evidence and reasonably found that none of it raised any issue of fact that he was not promoted because of his race.

We have considered Buchanan's remaining arguments, and they do not have merit.

AFFIRMED

APPENDIX C

UNPUBLISHED
MEMORANDUM OPINION AND ORDER
DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHRISTOPHER BUCHANAN,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**Case No. 23 C 5247**
	)	
COMMONWEALTH EDISON, an Exelon Company,	)	
	)	
	)	
Defendant.	)	

MEMORANDUM OPINION AND ORDER

MATTHEW F. KENNELLY, District Judge:

Christopher Buchanan has filed suit against his employer Commonwealth Edison (ComEd). He alleges that ComEd denied him a promotion based on his race and color. ComEd has moved for summary judgment.

Background[1]

Buchanan, who is African American, has been employed in defendant ComEd's Smart Meter Operations (SMO) division since March 22, 2016, starting as a work planner. In April 2021, Buchanan accepted an offer to work as a business analyst in the same division, with the approval of SMO's vice president, Jim Conway. Buchanan did

[1] At several points, Buchanan's response to ComEd's Local Rule 56.1(a) Statement of Undisputed Material Facts states that he "lacks sufficient information to either admit or deny" certain facts. *See, e.g.*, Pl.'s Resp. to Def.'s Local Rule 56.1(a) Stmt. of Undisputed Material Facts ¶ 3. The Court exercises its authority to "insist on strict compliance with local rules designed to promote the clarity of summary judgment filings" and deems these facts to be admitted. *See Stevo v. Frasor*, 662 F.3d 880 886–87 (7th Cir. 2011); *Jupiter Aluminum Corp. v. Home Ins.*, 225 F.3d 868, 871 (7th Cir. 2000).

not start working as a business analyst until July 9, however, at the request of his work-planner manager.

On December 14, 2021, Buchanan applied for a promotion to senior supervisor in the SMO division. Since September 2011, ComEd has maintained a policy stating that non-union employees may only "apply" for promotions "if they . . . [h]ave been in their current position for at least one year." Otte Decl. ¶¶ 9–10 & Ex. 5. The policy allows the "current department head/manager" to "waive" the one-year tenure requirement. *Id.*, Ex. 5.

By the end of January 2022, Buchanan had made it through the interview process and was the hiring manager's first choice for the promotion. But Conway informed the hiring manager that Buchanan was not eligible for the position. The hiring manager then intended to offer the position to his second choice, an African American employee named Tyrone Davis, but Davis withdrew his application before the manager could extend the offer. Finally, the hiring manager offered the job to his third-choice candidate, Michael Beall, a white employee. Beall also turned down the job. With no one left, the hiring manager withdrew the job posting.

The manager reposted the position in July 2022. Buchanan was aware of the job posting and was now eligible to apply under the one-year policy, but he decided against it in order to spend more time with his elderly parents. Ultimately, another African American employee, Rosalyn King, was promoted to the position.

Buchanan filed suit against ComEd for employment discrimination in August2023, based on Conway's determination that he was ineligible for the promotion.

Discussion

Summary judgment is appropriate if there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a). A genuine dispute of material fact exists "if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). The burden is on the moving party to demonstrate that no genuine dispute of material fact exists. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). The Court construes all facts in the light most favorable to the nonmoving party and draws all reasonable inferences in that party's favor. *Horton v. Pobjecky*, 883 F.3d 941, 948 (7th Cir. 2018).

A. Employment discrimination

Buchanan asserts that ComEd, through Conway, engaged in discrimination based on race and color in violation of Title VII of the Civil Rights Act of 1964 and section 1981 of the Civil Rights Act of 1866. *See* 42 U.S.C. § 2000e-2(a)(1); 42 U.S.C. § 1981. Under both of these statutes, a plaintiff must establish that a discriminatory motive caused the adverse employment action. *See Chatman v. Bd. of Educ. of City of Chi.*, 5 F.4th 738, 746 (7th Cir. 2021) (Title VII); *Ortiz v. Werner Enters., Inc.*, 834 F.3d 760, 765 (7th Cir. 2016) (Section 1981). "At summary judgment, the critical question is whether the plaintiff has produced enough evidence to permit a reasonable factfinder to conclude that the plaintiff's race or other proscribed factor caused the adverse employment action." *Chatman*, 5 F.4th at 746.

Plaintiffs have two primary methods of showing employment discrimination. They can present their evidence through the burden-shifting framework established in

McDonnell Douglas v. Green, 411 U.S. 792 (1973). *See David v. Bd. of Trs. of Cmty. Coll. Dist. No. 508*, 846 F.3d 216, 224 (7th Cir. 2017). Or they can forego the *McDonnell Douglas* framework in favor of a "holistic" review of the evidence. *See Igasaki v. Ill. Dep't of Fin. & Pro. Regul.*, 988 F.3d 948, 957–58 (7th Cir. 2021). Buchanan argues the case under both approaches.

B. Holistic approach

The holistic approach requires a court to put all the evidence, direct and indirect, "in a single pile" and evaluate it "as a whole." *Ortiz*, 834 F.3d at 766. The aggregate of the evidence must "permit a reasonable factfinder to conclude that the plaintiff's race . . . or other proscribed factor caused the . . . adverse employment action." *Id.* at 765.

Buchanan concedes there is no direct evidence that race or color motivated ComEd's decision to deny him the promotion. Instead, he relies on a collage of circumstantial evidence that he contends collectively indicates discriminatory intent.

1. Buchanan's qualifications

First, Buchanan argues that ComEd's refusal to promote him despite being the hiring manager's top choice indicates discriminatory enforcement of the one-year policy. It is undisputed that the hiring manager was going to offer Buchanan the promotion before Conway stepped in: Buchanan was deemed the strongest candidate and was found highly qualified for the position. Conway's decision to block Buchanan's promotion led to a less qualified white coworker, Beall, receiving the offer. This, Buchanan argues, indicates ComEd's discriminatory intent.

Yet Beall was not next in line to receive the promotion once Conway deemed

Buchanan ineligible. Davis, another African American employee, was the hiring manager's second choice, and it is undisputed that Davis would have gotten the offer if he had not withdrawn his application before the hiring manager could extend it. For Conway's actions to constitute discrimination based on race or color, he would have had to know that Davis, who was also African-American, would then withdraw his application and that Beall, who was white, would then be offered the position. Buchanan offers no evidence to support this, and the inference is far from obvious—the fact that the hiring manager was willing to withdraw the job posting for several months once Beall also declined the offer indicates there was no guarantee he would be offered the position even when Davis withdrew. A chain of inferences this attenuated "cannot create a genuine issue of fact that defeats summary judgment." *Flowers v. Kia Motors Fin.*, 105 F.4th 939, 946 (7th Cir. 2024) ("[A]n inference that veers too far into speculation fails to survive summary judgment.").

2. The one-year policy's enforcement

Second, Buchanan argues ComEd's selective enforcement of the policy indicates discriminatory intent. His argument on this point is threefold. First, in a footnote, he argues that the one-year policy only became effective on April 20, 2022, making ComEd's enforcement of the policy against him in 2021 against Buchanan arbitrary. Yet Buchanan overlooks the undisputed evidence that ComEd has had this one-year policy since at least 2011. His argument that the policy was not in effect when Buchanan applied for the promotion lacks merit.

Next, Buchanan argues that ComEd's enforcement was discriminatory, as the policy, read literally, only prevented Buchanan from *applying* for the promotion.

Buchanan emphasizes that because the one-year policy specifies that an employee cannot "apply" for a promotion until spending one year in his current position, it only limits an employee's ability to initiate an application. By interpreting the policy to Buchanan's detriment after he made it through the interview process, he argues, ComEd arbitrarily applied the policy to him in a discriminatory manner.

But even if ComEd incorrectly interpreted the one-year policy, misinterpretation alone does not indicate discriminatory intent. An employer who "honestly believed it made the correct employment decision" does not discriminate "even if its decision was inaccurate, unfair, . . . foolish, trivial, or baseless." *Barnes-Staples v. Carnahan*, 88 F.4th 712, 716 (7th Cir. 2023) (citation omitted). Conway understood the policy made employees "generally not . . . eligible for promotion unless and until they had been employed in their role for at least a full year." Conway Decl., Ex. F, ¶ 9. Buchanan provides no evidence suggesting this interpretation was discriminatory as opposed to merely inaccurate. He does not cite any examples where ComEd adopted his proposed interpretation for other employees, nor does he bolster his interpretation with evidence beyond his literal, somewhat semantic reading. *See Jones v. Union Pac. R.R.*, 302 F.2d 735, 743 (7th Cir. 2002) (finding an employer's alleged misinterpretation of a policy to not be evidence of discrimination when the plaintiff "provided no evidence to contradict [the employer's] interpretation" and gave no "examples demonstrating the policy had never before been interpreted in that manner"). Without more, an inference of discriminatory intent from Conway's alleged misinterpretation would not be reasonable.

Finally, Buchanan argues that ComEd's past implementation of the policy

indicates discriminatory intent. Buchanan asserts that there is a "documented history of making exceptions to this policy, particularly for white employees." Pl.'s Resp. in Opp'n to Def's Mem. of Law in Supp. of its Mot. for Summ. J., at 8. He cites two examples of white employees who were given a promotion despite not meeting the one-year tenure requirement: Brian Tepper and Bradley Preston. But although Buchanan frames Tepper and Preston as similarly situated to him, each of their circumstances illustrates a unique case both in qualifications and hiring circumstances.

Tepper, who was promoted to senior supervisor, had prior supervisory experience and was a licensed electrician, both of which made him uniquely suited for the promotion. Buchanan attempts to close the qualifications gap between him and Tepper by noting that he has a master's degree, but he does not explain how that would be relevant to the promotion Buchanan sought. *See Rucker v. Dep't of Child & Fam. Servs.*, 326 F. App'x 397, 399 (7th Cir. 2009) (finding a plaintiff's "master's degree" was not evidence of superior qualifications when it was "difficult to see how [the] degree would necessarily make him more qualified for his current position"). Moreover, it is undisputed that Tepper was offered his promotion when a recent retirement left a division short-handed and in urgent need of support. Although Buchanan argues that the job posting for service supervisor inherently demonstrates an urgent need there too, the fact that the hiring manager withdrew this job posting for months after no original candidates accepted the offer undercuts any inference of urgency, and Buchanan offers no other evidence indicating an urgent need.

Preston's circumstances were even more distinct. He had more supervisory experience than Buchanan and Tepper, and he got given the promotion only after being

unexpectedly released early from another ComEd division. Buchanan, conceding that Preston "may have had more experience," attempts to reframe the issue as being solely focused on Preston "not meet[ing] the one-year tenure requirement." Pl.'s Resp. in Opp'n to Def's Mem. of Law in Supp. of its Mot. for Summ. J., at 12. Yet examples that differ too much from the case at hand do not give rise to an inference of discrimination. *Cf. Skiba v. Ill. Cent. R.R.*, 884 F.3d 708, 723 (7th Cir. 2018) (citation omitted) (noting that "eliminat[ing] other possible explanatory variables" such as "differing roles" and "performance histories . . . help[] isolate the critical independent variable—discriminatory animus").

Buchanan's examples thus fall far from suggesting a "documented history" of policy exceptions favoring white employees. They are too dissimilar to Buchanan's circumstances to give rise to a genuine factual dispute regarding ComEd's enforcement of the one-year policy.

3. ComEd's waiver of the policy

Third, Buchanan argues that ComEd waived the one-year policy by interviewing him. He argues ComEd effectively treated him as eligible by allowing him to go through the interview process. The sudden deviation in treatment at the very end of the hiring process, Buchanan contends, suggests a discriminatory intent.

Similar to his argument concerning the policy's language, however, Buchanan does not connect the alleged waiver to discrimination. It is true that "unusual deviation from standard procedures can serve as circumstantial evidence of discrimination." *Baines v. Walgreen Co.*, 863 F.3d 656, 664 (7th Cir. 2017). But Buchanan must do more than assert ComEd's enforcement of the policy was "inaccurate" or "unfair" based

on the waiver. *See Carnahan*, 88 F.4th at 716. He must provide some evidence that would permit a reasonable jury to find that the application of the policy was purposeful discrimination rather than an honest mistake. *See Vassileva v. City of Chicago*, 118 F.4th 869, 874 (7th Cir. 2024) (citation omitted) (distinguishing a "lie" that indicates discrimination from an "oddity" or "error"); *see also Baraona v. Village of Niles*, 720 F. Supp. 3d 601, 616 (N.D. Ill. 2024) (discrediting cited "discrepancies" and "deviations" as "irrelevant" when they had "nothing to do with race"); *Saud v. DePaul Univ.*, No. 19 CV 3945, 2024 WL 5007833, at *13 (N.D. Ill. Dec. 6, 2024) (same). Buchanan has provided no evidence that would allow a reasonable inference of discrimination from this alleged waiver, such as other less than one-year-tenured employees being considered eligible for promotion by dint of completing the interview process. An alleged waiver of the policy alone does not give rise to a genuine factual dispute regarding discrimination.

4. The decision-making process

Finally, Buchanan argues that the decision-making process surrounding the policy supports an inference of discrimination. Buchanan contends that absent "transparent, objective criteria" for the policy's exceptions, the selective enforcement of the policy "overwhelmingly benefited white employees." Pl.'s Resp. in Opp'n to Def's Mem. of Law in Supp. of its Mot. for Summ. J., at 10. But aside from the two examples discussed above—neither of which are actually comparable, as discussed—Buchanan has not provided evidence of benefit to white employees from exceptions. Without such evidence, no reasonable inference of discrimination can be drawn from the fact that the policy's exceptions criteria lack transparency.

5. The totality of the evidence

Although the Court has reviewed each item of evidence individually, its analysis does not end there. Now the Court considers all the evidence as a whole, asking "whether the totality of the evidence shows discrimination, eschewing any framework or formula." *Igasaki*, 988 F.3d at 958. Yet even considering all the alleged errors in ComEd's decision, the totality of the evidence does not raise a genuine dispute of material fact regarding ComEd's discrimination.

Buchanan's argument can be summed up as this: Buchanan was the most qualified candidate for the promotion; ComEd erroneously applied its one-year policy to make him ineligible for the promotion; in two other situations the company waived the policy for a white applicant; and therefore it can be inferred that ComEd discriminated against Buchanan based on his race or color. But absent evidence that ComEd's errors were actually more than honest mistakes, the evidence does not give rise to a reasonable inference of discrimination. It is also telling that ComEd's decision concerning Buchanan immediately resulted in another African American employee being slotted for the promotion opportunity, and eventually resulted in yet another African American employee actually getting the promotion. In sum, Buchanan has provided no evidence indicating a link between ComEd's application of its one-year policy and discrimination, and no reasonable jury could find the company discriminated based on Buchanan's race or color.

C. *McDonnell Douglas* burden-shifting framework

To establish a *prima facie* case of discrimination under *McDonnell Douglas*, a plaintiff has the initial burden of showing that he (1) belongs to a "protected class";

(2) met his "employer's legitimate expectations"; (3) "suffered an adverse employment action"; and (4) another "similarly situated employee" outside of the protected class "received better treatment from [their] employer." *Igasaki*, 988 F.3d at 957. If a plaintiff satisfies that burden, the burden then shifts to the employer to "articulate a legitimate, nondiscriminatory reason for the adverse employment action. *David*, 846 F.3d at 225. Once an employer offers a nondiscriminatory reason, "the burden shifts back to the plaintiff to submit evidence that the employer's explanation is pretextual." *Id.*

The Court solely analyzes whether a reasonable jury could find that ComEd's explanation for denying Buchanan the promotion was pretextual, as it is dispositive in this case. A legitimate, nondiscriminatory rationale for an adverse employment decision is pretextual if the decision-maker "did not sincerely believe the rationale when making his final decision." *Cunningham v. Austin*, 125 F.4th 793,789 (7th Cir.2025). The plaintiff must offer evidence that the rationale is "a lie" or "phony," not just an "oddity" or "error." *Id.* (citation omitted); *Vassileva*, 118 F.4th at 874 (citation omitted). This means a plaintiff must "identify such weaknesses, implausibilities, inconsistencies, or contradictions" in the asserted reason that allow "a reasonable person [to] find it unworthy of credence." *Coleman v. Donahoe*, 667 F.3d 835, 852–53 (7th Cir. 2012) (citation omitted). If the employer "honestly believed it made the correct employment decision," a plaintiff's discrimination claim cannot succeed "even if its decision was inaccurate, unfair, . . . foolish, trivial, or baseless." *Carnahan*, 88 F.4th at 716.

ComEd's one-year policy, if applied neutrally, is a legitimate, nondiscriminatory reason for denying Buchanan the promotion he sought. *See., e.g., Raytheon Co. v. Hernandez*, 540 U.S. 44, 54 (2003) (finding a "neutral no-rehire policy . . . plainly

satisfied" the defendant's "obligation under *McDonnell Douglas* to provide a legitimate, nondiscriminatory reason for refusing to rehire" the plaintiff). Buchanan, having the burden to show pretext, offers several arguments for why the policy is a made-up reason for denying him the promotion.

Many of the arguments Buchanan makes for pretext are identical to those the Court assessed under the holistic approach, including that the policy was misinterpreted and inconsistently applied in favor of white employees. The analysis here is the same as discussed above, as well as the conclusion: without evidence indicating ComEd's application of the policy was dishonest, not just incorrect, discrimination (or pretext) cannot reasonably be inferred. *See Carnahan*, 88 F.4th at 716.

Buchanan's separate arguments focused on pretext fare no better. First, Buchanan asserts that ComEd misrepresented his employment history by characterizing his move from work planner to business analyst as a promotion. He argues that this change in employment title should have been considered a lateral move, not a promotion, as both work planner and business analyst are considered the same level of position by ComEd. This misrepresentation, he contends, indicates discriminatory intent.

Yet, similar to his argument concerning ComEd's interpretation of its policy, Buchanan points to no evidence that would permit a finding that ComEd's supposed misinterpretation of his employment history was discriminatory as opposed to merely inaccurate. ComEd's stated understanding of the policy, as seen through Conway's statement, is that employees were "generally not . . . eligible for promotion unless and until they had been employed in their role for at least a full year." Conway Decl., Ex. F,

¶ 9. Whether or not ComEd should have characterized Buchanan's change in employment as a lateral move as opposed to a promotion, it is undisputed that Buchanan was in the same "role" as business analyst for less than one year. It may be inaccurate to say Buchanan was previously promoted, but that characterization in no way suggests that ComEd's stated policy reason for not promoting him was not an honest rationale.

Second, Buchanan argues ComEd manipulated its one-year tenure requirement by delaying his transition from work planner to business analyst. He contends that "had he been released from his previous role" when he applied for the business analyst position in April 2021, "he would have met the one-year requirement." Pl.'s Resp. in Opp'n to Def's Mem. of Law in Supp. of its Mot. for Summ. J., at 14.

This is inaccurate. Even if Buchanan had started working as a business analyst when he applied in April 2021, he still would have been ineligible under the one-year policy by four months when he applied for the promotion (December 2021) and by three months when the interviews concluded (January 2022). It is unreasonable to infer pretext from a delay that in no way impacted Buchanan's eligibility for the promotion under the policy.

In sum, Buchanan has provided no evidence from which a reasonable jury could infer that ComEd's legitimate, nondiscriminatory reason of the one-year policy was pretextual. And, as stated above, no reasonable jury could find ComEd discriminated against Buchanan in denying him the promotion based on a holistic review of the evidence either. For these reasons, ComEd is entitled to summary judgment on Buchanan's claims.

Conclusion

For the reasons stated above, the Court grants ComEd's motion for summary judgment [dkt. no. 31] and directs the Clerk to enter judgment stating: Judgment is entered in favor of defendant Commonwealth Edison and against plaintiff Christopher Buchanan.

Date: March 31, 2025

MATTHEW F. KENNELLY
United States District Judge

APPENDIX D:
Amended Complaint, filed July 25, 2024

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHRISTOPHER BUCHANAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:23-cv-05247
	)	
COMMONWEALTH EDISON CO.	)	
an Exelon Company,	)	
	)	
Defendant.	)	

AMENDED COMPLAINT

Plaintiff CHRISTOPHER BUCHANAN, by his attorneys, OTUBUSIN & OTUBUSIN, complains of Defendant COMMONWEALTH EDISON COMPANY as follows:

INTRODUCTION

1. This is a civil rights complaint for discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq. ("Title VII"), the Civil Rights Act of 1866, 42 U.S.C. § 1981 ("Section 1981").

JURISDICTION AND VENUE

2. Jurisdiction of this court is invoked pursuant to Title VII, 42 U.S.C. §2000e-5 and 42 U.S.C. §12101 et seq. as well as 28 U.S.C. §§1337 and 1343.

3. Defendants further constitute an "employer" based on its engagement in an industry affecting commerce and its employment of fifteen (15) or more employees for each workup day in each of twenty (20) or more calendar weeks in the current or preceding calendar year.

4. The unlawful employment practices stated herein were, in part, committed within the Northern District of Illinois. Accordingly, venue thus lies within this judicial district under

28 U.S.C. §1391(b). Venue further lies within this judicial district under 28 U.S.C. §1391[c], since ComEd does business in this judicial district.

PROCEDURAL BACKGROUND

5. Plaintiff Christopher Buchanan exhausted his administrative remedies at the Equal Employment Opportunity Commission ["EEOC"].

6. Prior to filing this civil action, the named Plaintiff timely filed written charges under oath asserting employment discrimination with the Equal Employment Opportunity Commission ("EEOC"). Plaintiff received a Notice of Right to Sue. A copy of the Notice of Right to Sue marked Exhibit "A" is attached hereto.

7. Plaintiff timely filed his action in federal court.

THE PARTIES

8. Plaintiff, CHRISTOPHER BUCHANAN, is a resident of the City of Joliet, Will County, Illinois.

9. Defendant ComEd is an Exelon Company and is headquartered in Chicago with more than 4 million customers across the northern Illinois region. It provides utility services, distributes and transmits electricity to residential, commercial, and industrial customers. As a result it does business within this District and is plaintiff's employer during the relevant period giving rise to this cause of action.

ALLEGATIONS

10. The named Plaintiff, CHRISTOPHER BUCHANAN, is asserting claims for discrimination on the basis of race and color under Title VII and 42 U.S.C. §1981.

11. Plaintiff is black and a minority, and, therefore, belongs to a protected group.

12. Plaintiff has been employed as a Business Analyst with Defendant from April 2021 until the present.

13. Plaintiff has at all times performed his job duties as a Business Analyst in a satisfactory manner.

14. All of Plaintiff's annual evaluations with the Defendant from April 2021 until the present have been satisfactory.

15. Specifically, the annual evaluations for 2018, 2019, 2020, 2021 and 2022 were good and have meaningful impact results.

16. In April 2021, Plaintiff accepted an offer to be a Business Analyst.

17. The position was held up by Plaintiff's Department for several months before he was allowed to transition to the business analyst's role.

18. Plaintiff's performance was as good as that of Bradley Preston, a white male; Brian Tepper, a white male; and Michael McGuire, a white male, who were offered the positions of Supervisor.

19. On December 14, 2021, Plaintiff applied for the position of Supervisor in Smart Meter Operations after consulting with Santos Chapparo; his manager; Cedric Weathers, the hiring manager, and Anna Vargas, the Director.

20. Santos Chapparo gave his approval to the Plaintiff to apply for the position of Supervisor.

21. On January 26, 2022, Plaintiff was interviewed for the position of Supervisor by Cedric Weathers, Zach Butkins and Travis Perry.

22. Cedric Weathers, the hiring manager, advised Plaintiff that it was a good idea for him to shadow the position of Supervisor to become more familiar with the Supervisor's role.

23. Plaintiff engaged in shadowing Kiwanis Jackson in Chicago South on several occasions at the direction of Cedric Weathers and Santos Chapparo.

24. Plaintiff was provided with a hard hat, high visibility vest, face shield, gloves, FR and even a company vehicle was prepared for him.

25. Plaintiff also took the supervisory assessment and passed it in order to put himself in a position to become a Supervisor.

26. Despite doing all these things, Plaintiff was never offered the position.

27. Cedric Weathers insisted Plaintiff was his first selection for the position.

28. Cedric Weathers was prepared to offer Plaintiff the position based on the outcomes of the interviews and, also, because he was qualified and performed well during the interview process.

29. Cedric Weathers was forced to change his first selection of the Plaintiff and offer the position to Michael Beall, a white male and a less qualified third selection.

30. Michael Beall declined the offer.

31. After Jim Conway approved William Neutz to repost the position, the Plaintiff, who was the most qualified candidate among all the interviewees, was available to accept the offer.

32. On April 4, 2022, Cedric Weathers informed Plaintiff that he was not offered the position of Supervisor because he had less than one year of experience as a Business Analyst.

33. However, Brian Tepper, a white male, who had less than one year of experience in as a Level 2 Worker Planner, a similar position to Plaintiff's, was promoted to the position of Level 3 Supervisor.

34. Bradley Preston who left Smart Meter Operations as Supervisor on November 1, 2021 was

allowed to return as a Manager of Field & Meter Services in less than one year.

35. Michael McGuire who was a work planner on Level 2 under Rhonda West was allowed to promote to Supervisor on Level 3 in less than one year.

36. Brian Tepper, Bradley Preston and Michael McGuire were offered waivers from the one year requirement but Plaintiff was not given such a waiver.

37. Plaintiff found out that Jim Conway, the Vice President, had tasked Santos Chapparo, his Manager, and Anna Vargas, the Director, to investigate the reason why he was out sick which was a total violation of his health privacy.

38. When Jim Conway asked Anna Vargas to look into Plaintiff's company allocated absence to find a ground to disqualify Plaintiff, a black, from the supervisor's position.

39. Anna Vargas filed an ethics investigation against Jim Conway with the Ethics Department and as a part of her investigation she informed Ethics Department that Plaintiff had a complaint to report as well.

40. The Ethics Department contacted Plaintiff to address his complaint about Jim Conway and Plaintiff explained to them how he was denied a promotion due to being black.

41. The Ethics Investigator stated there was no further action that was needed on Plaintiff's part and that she would take Plaintiff's complaint and add it to his Director's complaint.

42. Defendant engaged in the intentional discrimination against the Plaintiff by denying him of a promotion to the position of Supervisor with malice or reckless indifference to the Plaintiff's federally protected rights

43. Defendant failed to take prompt remedial action intended to eliminate the discrimination after it became aware the Plaintiff was Cedric Weathers' first choice and that Cedric

Weathers was prepared to make an offer to Plaintiff for the Supervisor's position, all in continuing violation of Section 703(a) of Title VII , 42 U.S.C. 2000e-2(a) and -6, and 42 U.S.C. §1981.

44. The effect of the practices complained of above has been to deprive Plaintiff of equal employment opportunities and otherwise adversely affect his status as an employee because of his race and color.

45. The unlawful employment practices complained of above were and are intentional.

46. The unlawful employment practices complained of were and are done with malice or with reckless indifference to the federally protected rights of Plaintiff.

COUNT I
Title VII
Discrimination on the Basis of Race

47. Plaintiff adopts and incorporates by reference the allegations contained in paragraphs 10-46 of the Complaint as though fully set forth herein.

48. The Plaintiff, CHRISTOPHER BUCHANAN has been subjected to different treatment on the basis of his race, African-American.

49. The claim is brought under Title VII, 42 U.S.C. §2000e et seq.

50. Plaintiff, in all respects, was performing his job in a manner that was consistent with Defendant's legitimate business expectations.

51. Defendant engaged in the intentional discrimination against Plaintiff by denying him of a promotion to the position of Supervisor with malice or reckless indifference to his federally protected rights.

52. Plaintiff was the first selection of Cedric Weathers, the hiring manager, and Cedric was

prepared to offer the position to him based on the outcomes of the interview process.

53. Cedric was forced to change his first selection of the Plaintiff and offer the position to Michael Beall, a white male and a less qualified third selection.

54. Michael Beall declined the offer.

55. After Jim Conway approved William Neutz to repost the position, the Plaintiff, who was the most qualified candidate among all the interviewees, was available to accept the offer.

56. Defendant claimed that Plaintiff was not promoted to the position of Supervisor because Plaintiff has less than one year of experience as a Business Analyst.

57. Brian Tepper, a white male, who had less than one year of experience in as a Level 2 Worker Planner, a similar position to Plaintiff's, was promoted to the position of Level 3 Supervisor.

58. Bradley Preston who left Smart Meter Operations as Supervisor on November 1, 2021 was allowed to return as a Manager of Field & Meter Services in less than one year.

59. Michael McGuire who was a work planner on Level 2 under Rhonda West was allowed to promote to Supervisor on Level 3 in less than one year.

60. Brian Tepper, Bradley Preston and Michael McGuire were offered waivers from the one year requirement but Plaintiff was not given such a waiver.

61. Defendant failed to take prompt remedial action intended to eliminate the discrimination after it became aware Plaintiff was Cedric Weathers' first choice and that Cedric Weathers was prepared to make an offer to Plaintiff for the Supervisor's position, all in continuing violation of Section 703(a) of Title VII and 42 U.S.C. 2000e-2(a) and -6.

62. The effect of Defendant's practices complained of above has been to deprive Plaintiff of equal employment opportunities and otherwise adversely affect his status as an employee

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because of his race.

63. Defendant's actions were taken with a willful and wanton disregard of Plaintiff's rights under Title VII.

64. As a direct and proximate result of said unlawful employment practices and in disregard of Plaintiff's rights and sensibilities, Plaintiff has suffered humiliation, degradation, emotional distress, other consequential damages and lost wage.

COUNT II
Title VII
Discrimination on the Basis of Color

65. Plaintiff adopts and incorporates by reference the allegations contained in paragraphs 10-46 and 47-64 of the Complaint as though fully set forth herein.

66. The Plaintiff, CHRISTOPHER BUCHANAN has been subjected to different treatment on the basis of his color, black.

67. The claim is brought under Title VII, 42 U.S.C. §2000e et seq.

68. Plaintiff is a member of a protected class on the basis of color. He is a black man.

69. Plaintiff, in all respects, was performing his job in a manner that was consistent with Defendant's legitimate business expectations.

70. Defendant engaged in the intentional discrimination against Plaintiff by denying him of a promotion to the position of Supervisor with malice or reckless indifference to his federally protected rights.

71. Defendant failed to take prompt remedial action intended to eliminate the discrimination after it became aware Plaintiff was Cedric Weathers' first choice and that Cedric Weathers was prepared to make an offer to Plaintiff for the Supervisor's position, all in continuing

violation of Section 703(a) of Title VII and 42 U.S.C. §2000e et seq.

72. The effect of Defendant's practices complained of above has been to deprive Plaintiff of equal employment opportunities and otherwise adversely affect his status as an employee because of his color.

73. Defendant's actions were taken with a willful and wanton disregard of Plaintiff's rights under Title VII.

74. As a direct and proximate result of said unlawful employment practices and in disregard of Plaintiff's rights and sensibilities, Plaintiff has suffered humiliation, degradation, emotional distress, other consequential damages and lost wage.

COUNT III
Section 1981
Discrimination on the Basis of Race

75. Plaintiff adopts and incorporates by reference the allegations contained in paragraphs 10-46, 47-64 and 65-74 of the Complaint as though fully set forth herein.

76. This claim is made under 42 U.S.C. §1981.

77. The Plaintiff is a member of a protected class on the basis of race. He is an African American man.

78. Plaintiff, in all respects, was performing his job in a manner that was consistent with Defendant's legitimate business expectations.

79. Defendant engaged in the intentional discrimination against Plaintiff by denying him of a promotion to the position of Supervisor with malice or reckless indifference to his federally protected rights.

80. Defendant's treatment of the Plaintiff denied him of the full and equal treatment of all laws

for the security of persons and property "as is enjoyed by white citizens" in violation of 42 U.S.C. §1981.

81. These acts were done intentionally.

82. Defendant's actions were taken with a willful and wanton disregard of Plaintiff's rights under Section 1981.

83. As a direct and proximate result of said unlawful employment practices and in disregard of Plaintiff's rights and sensibilities, Plaintiff has suffered humiliation, degradation, emotional distress, other consequential damages and lost wage.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff, CHRISTOPHER BUCHANAN, respectfully requests that this Court:

A. Enter judgment in favor of Plaintiff and against Defendant for violation of Plaintiff's rights under Title VII and Section 1981;

B. Declare that the actions of Defendant constituted unlawful discrimination;

C. Grant a permanent injunction enjoining Commonwealth Edison Company, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practice which discriminates against the Plaintiff on the basis of race and color under Title VII;

D. Award Plaintiff compensatory damages, including, but not limited to, lost wages and benefits, in such manner as will reasonably compensate him for his losses;

E. Award Plaintiff compensation for past and future non-pecuniary losses, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation;

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F. Award Plaintiff punitive damages for Defendant's malicious and/or reckless conduct in an amount to be determined at trial;

G. Award Plaintiff his costs, attorney's fees, and non-taxable expenses in this action, and

H. Grant such further relief as the Court deems equitable and just.

DEMAND FOR A TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands trial by jury in this action.

Respectfully submitted,

CHRISTOPHER BUCHANAN

By: /s/ Paul O. Otubusin
One of His Attorneys

Dated: July 25, 2024

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CERTIFICATE OF SERVICE

I, Paul O. Otubusin, an attorney, certify under penalties of perjury as provided by law pursuant to Rules 5(b) and (e) of the Federal Rules of Civil Procedure, that on July 25, 2024, the foregoing ***Plaintiff's Amended Complaint*** was electronically filed with the Clerk of the United States District Court for the Northern District of Illinois, using the Court's ECM/CF Electronic Filing System, reflecting service upon all parties of record.

Respectfully submitted,

CHRISTOPHER BUCHANAN

By: /s/ Paul O. Otubusin
One of His Attorneys

Dated: July 25, 2024

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