NONPRECEDENTIAL DISPOSITION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 February 8, 2024*
Decided February 12, 2024

Before

FRANK H. EASTERBROOK, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 23-2241

ANGELA BOYD,
Plaintiff-Appellant,

v.

CITY OF CHICAGO,
Defendant-Appellee.

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

No. 20 C 710

Charles P. Kocoras,
Judge.

O R D E R

Angela Boyd sued her employer, the City of Chicago, asserting that it paid her less than male employees with the same interoffice mail-carrying duties in violation of both the federal and Illinois Equal Pay Acts. *See* 29 U.S.C. § 206(d); 820 ILCS 112/10(a); *see also* 28 U.S.C. § 1367(a) (extending supplemental jurisdiction to certain state-law

* 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).

claims). The district court granted summary judgment to the City because Boyd had not identified a comparator employee who performs essentially the same job for higher pay. We affirm.

We review grants of summary judgment de novo and construe evidence from the summary judgment record in the light most favorable to the non-movant (here Boyd). *Lauderdale v. Ill. Dep't of Hum. Servs.*, 876 F.3d 904, 907 (7th Cir. 2017). Boyd is a "unit assistant" who processes incoming mail and delivers papers and packages to various City offices and worksites. But unit assistants are not alone in handling mail. Deposition testimony from City employees reflects that some people originally hired for construction or repair work have, over time, acquired mail and paperwork duties and reduced their prior duties without any change in title, salary, or official job description.

One of those people, according to Boyd, is Rommel Shorter, a higher-paid male employee who was originally hired to handle concrete at City construction and repair sites. (At some points in this litigation, Boyd named potential comparators other than Shorter, but she makes no issue of them on appeal.) In the years leading up to this suit, Shorter spent much of his time making deliveries, which Boyd sometimes saw firsthand. Boyd contends that this means she was doing the same work as Shorter for less pay. Yet according to Shorter's deposition testimony, he also continues to do substantial work with concrete. Although mail delivery now takes up 60–70% of his average day, he explained, in the other 30–40% he often performs other manual labor like mixing, pouring, and grading concrete or lifting hefty materials, usually multiple times per week.

Boyd sued under the federal and state Equal Pay Acts in 2020; the district court appointed counsel for her; and, after discovery, the City moved for summary judgment. The City argued that Shorter's uncontradicted testimony about his still-ample work with concrete meant no reasonable juror could conclude his job was similar enough to Boyd's. He often carried mail, but he often did construction and repair work too.

In response, Boyd asserted through counsel that Shorter must have lied in his testimony because the City had not attached to its motion any corroborating evidence—for instance, records memorializing Shorter's work at construction and repair sites, or deposition testimony from someone who saw Shorter doing that work. (Boyd did not suggest that she herself had sought that kind of evidence in discovery and been rebuffed.) Boyd's counsel also attached photos that Boyd herself reported taking of Shorter delivering mail on three occasions over three years, plus a printout of GPS data from Shorter's work truck listing many dates, numbers, and addresses. Counsel argued

that at a trial, these items would undermine Shorter's testimony that he often works with concrete. These materials, however, were attached to counsel's legal-argument memorandum and not, as Local Rule 56.1 of the Northern District of Illinois requires, counsel's separate list of factual disputes and additional proposed facts.

The district court granted the City's motion. First, the court ruled, counsel's noncompliance with Local Rule 56.1 warranted disregarding Boyd's photographs and GPS printouts. *See Shaffer v. Am. Med. Ass'n*, 662 F.3d 439, 442 (7th Cir. 2011). Second, the court concluded, Shorter's concrete-handling duties made his job too dissimilar to Boyd's for jurors to find an Equal Pay Act violation.

Now representing herself on appeal, Boyd contends generally that the district court wrongly relied on Shorter's deposition testimony and overlooked her exhibits. But because she develops no specific challenge to the district court's ruling that her counsel failed to comply with Local Rule 56.1 or argument that the court abused its discretion in enforcing the rule, it is not clear that the photos and GPS printouts she cites are properly before us. Regardless, we see no material factual dispute to bring to a jury.

Both the federal and Illinois Equal Pay Acts require plaintiffs to identify as a comparator an employee of the opposite sex who is paid more despite having a job requiring equal "skill, effort, and responsibility" performed under similar conditions. 29 U.S.C. § 206(d); 820 ILCS 112/10(a). To determine whether two jobs are equal, we consider whether they have a "common core" of tasks, and, if they do, whether any additional tasks make the jobs "substantially different." *Cullen v. Ind. Univ. Bd. of Trs.*, 338 F.3d 693, 698 (7th Cir. 2003). Here, all agree that Shorter is paid more than Boyd and, like her, often delivers mail. The question is whether Shorter's concrete-handling and heavy-lifting duties make his job substantially different—or, rather, whether Boyd has established a material factual dispute about that point.

We conclude that Boyd has not. Her theory on appeal is that Shorter, in his deposition, lied about having to spend significant time working with concrete each week. But the GPS printouts Boyd cites bear no annotation allowing the district court (or us) to understand what they show about Shorter's daily work. And the photos demonstrate only that on three scattered days over the course of three years, Shorter delivered mail for a large part of the day—which is consistent with Shorter's testimony. Boyd's contention that Shorter must be lying is too speculative to overturn a summary judgment. *See Estate of Logan v. City of South Bend*, 50 F.4th 614, 615 (7th Cir. 2022).

To be sure, Boyd suggests that the City's narrative would be more persuasive if its motion had included other evidence corroborating Shorter's testimony. But no further corroboration was required. Once the City moved for summary judgment citing Shorter's testimony, it was Boyd's burden to point to evidence creating a material dispute of fact. *See Grant v. Trs. of Ind. Univ.*, 870 F.3d 562, 568 (7th Cir. 2017).

Finally, Boyd characterizes Shorter's testimony about his concrete work as self-contradictory. For instance, he said his mail duties run from seven in the morning to two in the afternoon, and also that he "squeezes in" mail delivery between responses to concrete-work calls. We see no contradiction; Shorter testified that when he has time, he is expected to complete both sets of duties.

Because Boyd has not presented evidence to establish a material dispute about Shorter's duties, we accept that he does additional concrete work. We next consider the skill, effort, and responsibility involved in his job and Boyd's to determine if they are sufficiently comparable under the Act. *See Cullen*, 338 F.3d at 699–700. His duties require additional skills for handling concrete. And Shorter's work appears to involve heavy lifting; for example, he reports that he must be able to lift 100 pounds, something Boyd does not have to do. An employee who has additional responsibilities requiring different skills is not similarly situated enough to create a prima facie case of sex discrimination under either the federal or Illinois Equal Pay Act. *See David v. Bd. of Trs.*, 846 F.3d 216, 230 (7th Cir. 2017); *Merillat v. Metal Spinners, Inc.*, 470 F.3d 685, 695–96 (7th Cir. 2006).

AFFIRMED