

**NONPRECEDENTIAL DISPOSITION**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 March 6, 2024\*

Decided March 6, 2024

**Before**

MICHAEL B. BRENNAN, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 23-2832

VALENTINE AKPA,  
*Plaintiff-Appellant,*

*v.*

NORTHWESTERN MEMORIAL  
HEALTHCARE, and  
NORTHWESTERN MEMORIAL  
HOSPITAL,  
*Defendants-Appellees.*

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

No. 18 C 7512

Charles P. Kocoras,  
*Judge.*

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\* 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).

## ORDER

Valentine Akpa appeals the summary judgment rejecting his claims that Northwestern Memorial Hospital and Northwestern Memorial Healthcare<sup>1</sup> did not select him for a chaplain-residency program because of his race (Black) and national origin (Nigerian). *See* 42 U.S.C. § 2000e-2; 42 U.S.C. § 1981. The district court concluded that Akpa failed to produce evidence that would allow a reasonable jury to find that Northwestern's proffered reasons for its hiring decisions were pretext for discrimination. We affirm.

We describe the events based on the properly submitted facts, viewed in the light most favorable to Akpa and in accordance with the district court's local rules. *See Lockett v. Bonson*, 937 F.3d 1016, 1022 (7th Cir. 2019); N.D. Ill. R. 56.1(e). On February 13, 2018, Akpa emailed the Clinical Pastoral Education program at Northwestern to inquire about its summer program and available residency positions. An administrative assistant replied, informing him that spots in the summer program were available. On February 24, Akpa began submitting application materials for the residency program and within a week completed his application.

By this time, Northwestern was far along in the recruitment process for the residency program. This effort was led by Chaplain Mark Bradley, the Manager of Spiritual Care and Education at Northwestern, who oversaw the residency program. When Akpa first contacted Northwestern, Bradley already had made three offers to fill the program's four available residency spots. And these three offers all had been accepted when Akpa submitted his application materials, on February 24. By this time, Bradley and his team also had decided that the fourth spot should be filled by one of two people already interning at Northwestern—either HaLana Thompson, a Black woman, or Stiofan O'Murchadha, a white man.

On March 20, Akpa received an email stating that the interview process for the residency program had been completed. Akpa responded, asking for elaboration since he had not been interviewed at all. The assistant responded that offers had been accepted and "our residency program has been filled and is now closed." Northwestern admits that this was an incorrect statement, that they continued to receive applications, and that they later interviewed Thompson, O'Murchadha, and one other candidate. The

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<sup>1</sup> Northwestern Memorial Hospital is a subsidiary of Northwestern Memorial Healthcare. We refer to them collectively as "Northwestern."

next month, Bradley offered the last residency position to Thompson, and she accepted the offer.

When asked at a deposition about his hiring decisions, Bradley testified that he thought Thompson was more qualified than Akpa. He later attested that he was not impressed with the reputation of the program where Akpa previously completed chaplain educational work, and so he was concerned that Akpa would not be prepared for the rigor of Northwestern's program. Conversely, Thompson was already successfully completing an internship at Northwestern, and Bradley—in his capacity as her supervisor—believed that she would be a good fit in the residency program.

Once Akpa received a right-to-sue letter from the Equal Employment Opportunity Commission (EEOC), he filed his complaint in federal court, alleging that Northwestern refused to hire him because of his race and national origin, in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e-2, and 42 U.S.C. § 1981. He alleged that his rejection email, falsely informing him that the residency positions had been filled, was evidence of pretext, given that Northwestern continued to interview candidates.

The case then proceeded through a protracted discovery process. After the defendants produced relevant documents, including the residency applications and email correspondence with the hired individuals, Akpa moved for a default judgment on grounds that the documents were fraudulent. Akpa's motion was denied, but he continued to assert that the defendants' documents were falsified or inaccurate.

Akpa next moved to compel the depositions of the four individuals selected for Northwestern's residency program. A magistrate judge who supervised discovery denied the motion. She explained that the residents took no part in the decision not to hire him and thus lacked relevant information about his case. Akpa objected, insisting that the depositions related to his theory of pretext. He wanted to ask the residents about the timing of their hiring so that he could show that his rejection email was dishonest. For instance, if Thompson testified that she was not hired until after Northwestern received the EEOC charge of discrimination in June 2018, he believed he could prove that Northwestern hired her (a Black woman) to cover up its racial discrimination against him. Then-District Judge Lee overruled Akpa's objection and adopted the magistrate judge's ruling to deny the motion to compel.

Akpa continued to file motions to compel discovery, contending, for instance, that the format of the emails (as ".msg" files) obscured relevant metadata and that

producing the documents in their original format (as “.pst” files) would allow him to confirm the date and time of the emails concerning residency applications and offers. Another magistrate judge denied the motion in part because an in camera review of the documents confirmed that Akpa’s contentions were merely speculative. Akpa objected to this order, and Judge Lee again overruled the objection, adopting the magistrate judge’s ruling in full.

Discovery continued with competing experts. Northwestern’s expert in data analysis attested in a declaration that the produced emails reflected accurate dates, times, and senders/recipients. Akpa submitted a report from his expert, who opined that the details concerning all but two relevant emails were accurate and that it was inconclusive whether those two emails had been manipulated.

District Judge Kocoras, who had been reassigned the case, granted Northwestern’s motion for summary judgment. The judge noted that an assessment of the prima facie case of discrimination often overlaps with the issue of pretext, *see, e.g., Scruggs v. Garst Seed Co.*, 587 F.3d 832, 838 (7th Cir. 2009), and so he proceeded directly to the pretext inquiry. And the undisputed evidence, he determined, showed that Northwestern had legitimate nondiscriminatory reasons for selecting Thompson instead of Akpa. The judge noted Bradley’s statements that Akpa’s prior experience did not match the rigors of Northwestern’s program; that the final residency spot should go to a then-intern with whom Bradley was familiar and had personally supervised; and that Thompson was better qualified.

On appeal, Akpa has not meaningfully developed the arguments in his brief, *see* FED. R. APP. P. 28(a)(8), but we touch upon the two arguments we can discern. First, with respect to the summary judgment ruling, Akpa argues that the court overlooked and misconstrued his expert evidence, which, he says, supports his pretext argument. He maintains that his expert’s report shows that Northwestern altered the dates of its emails to Thompson to predate its receipt of the EEOC discrimination charge. According to Akpa, Northwestern hired Thompson after learning about the EEOC charge and hired her only to conceal its discrimination against him.

Akpa reads too much into his expert report. His expert found no conclusive proof that Northwestern altered its emails. The expert may have flagged two emails, but she could not conclude that either email was manipulated. Akpa’s theory—that Northwestern hired Thompson to cover up its discrimination and then doctored its offer email to Thompson—simply is “too divorced from the factual record” to create a genuine issue of material fact. *Marnocha v. St. Vincent Hosp. & Health Care Ctr., Inc.*,

986 F.3d 711, 718 (7th Cir. 2021) (internal citation omitted); *see also Matthews v. Waukesha County*, 759 F.3d 821, 827 (7th Cir. 2014) (explaining that “speculation and conjecture” about pretext cannot overcome summary judgment).

Akpa also challenges the denial of his motions to compel more discovery so that he could show, consistent with his reading of his expert’s report, that Northwestern deliberately altered documents to cover up the discrimination. But district courts have broad discretion in managing discovery, *James v. Hyatt Regency Chi.*, 707 F.3d 775, 784 (7th Cir. 2013), and here Judge Lee properly evaluated Akpa’s requests to depose the residents and receive files in his desired format, finding that the discovery sought was duplicative and disproportionately burdensome to its potential value, especially given the extensive discovery already conducted. *See id.*

We have evaluated Akpa’s remaining arguments, and none has merit.

AFFIRMED