

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CHARLENE D. JOHNSON :
: :
v. : CIVIL NO. CCB-17-124
: :
EDWARD D. JONES & CO., L.P. :
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MEMORANDUM

Plaintiff Charlene Johnson, an African-American who was fired from her job at Edward D. Jones & Co., L.P. (“Edward Jones”) on February 5, 2016, has filed suit in this court alleging racial discrimination and retaliation in connection with her wages and her termination. Now pending is a motion to dismiss Counts I – IV of the amended complaint. The motion has been fully briefed. It will be granted as to Counts I and II, and denied as to Counts III and IV.

Counts I and II relate to alleged wage discrimination. Ms. Johnson does not object to dismissal of Count II. As to Count I, it is largely if not entirely time-barred. Further, there is no factual support proffered for the allegation that any difference in the participation of Caucasian employee Mary Ellen Mavilia in the bonus programs in effect in 2013 and 2014, compared to Ms. Johnson’s participation in the bonus programs in effect in 2005, was based on race. Finally, it is not disputed that at all times Ms. Johnson earned more than Ms. Mavilia.

Counts III and IV relate to the termination of Ms. Johnson’s employment. To the extent Ms. Johnson alleges it was based on race, Edward Jones asserts she has failed to identify a comparator subjected to lesser discipline for a similar offense. Ms. Johnson asserts that Ms. Mavilia committed comparable misbehavior, but was not fired, and that further factual development is required. Because the case will continue as to Counts V and VI, which also focus on the alleged reasons for the firing of Ms. Johnson, and because further factual

development would be helpful, the motion will be denied as to Counts III and IV. A motion for summary judgment, if warranted, may be filed at the close of discovery.

A separate Order follows.

May 23, 2017

Date

/S/

Catherine C. Blake
United States District Judge