

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

FREDERICK FELT

*

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v.

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Civil No. JFM-12-2873

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MEI TECHNOLOGIES, INC., ET AL.

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MEMORANDUM

Frederick Felt has brought this action for retaliation against MEI Technologies, Inc. and Dell Services Federal Government, Inc. Felt asserts claims under Title VII and 42 U.S.C. Section 1981, the Maryland Human Relations Act, and the Prince George's County Code. He also asserts a claim against MEI for tortious interference with contract. Discovery has been completed, and defendants have filed motions for summary judgment. The motions will be granted.

Felt was an employee of Dell and was transferred to MEI for a performance of a contract with NASA. Felt had been hired by a predecessor of Dell in November 1997, and he had worked on the NASA contract for approximately thirteen years when his employment was terminated. Over the years Felt filed various employment discrimination charges, including ones for reverse discrimination and a hostile work environment. On March 26, 2010, he filed a formal complaint with MEI's Director of Human Resources complaining that he had been discriminated against because of a denial of an interview for a position with MEI for which he had applied. Felt refused to be interviewed in connection with his complaint, and the complaint was eventually denied. On July 28, 2010, Felt filed a complaint of discrimination with the Prince George's County Human Rights Relations Commission arising out of his non-selection for the position for which he had applied.

On April 8, 2011, Felt's employment with Dell was terminated. Michael Scott, Felt's supervisor at Dell, was the person who notified Felt of the decision. On the same day Scott gave Felt an unfavorable performance review, based upon events that occurred in the preceding months. These included his providing inadequate training in connection with what was called "Pernicka Testing," canceling a visit to a Neocera facility in Santa Clara, not telling the truth about the reason for the cancellation of the visit to Neocera and, most importantly, failing to properly report that a Zeiss SEM backscatter was broken. The backscatter issue was of importance because it was specifically mentioned in a fee award letter sent by NASA.

It is not entirely clear who made the decision to terminate Felt's employment.¹ It may have been Barbara Pearson, then general counsel of MEI, or a Dell attorney, James Rittinger. Whether it was Pearson or Rittinger who made the decision is, however, in the final analysis immaterial. They had known of Felt's filing of an employment discrimination complaint with the Prince George's County Human Relations Commission months before and, as Felt at least implicitly concedes, the passage of time between their knowledge of the filing of the complaint and the termination of Felt's employment does not give rise to any inference of a causal connection between Felt's complaint and his discharge. *See, e.g., Conner v. Shnuck Markets, Inc.*, 121 F.3d 1390, 1395 (10th Cir. 1997); *Hughes v. Derwinski*, 967 F.2d 1168 (7th Cir. 1992). *Cf. Dowel v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 657 (4th Cir. 1998).

Recognizing this weakness in his claim, Felt contends that MEI Project Manager Keyvan Motizavi and Task Lead Amir Sadeghi, his first and second line supervisors, who learned of the employment discrimination charge about a month before his employment was terminated, are the persons who made the termination decision. Nothing in the record supports that contention.

¹ The termination of Felt's employment with Dell followed from the termination of his work on the MEI contract.

