

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

EMILY ZHANG

v.

LOCKHEED MARTIN CORP., ET AL.

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Civil No. – JFM-13-3898

MEMORANDUM

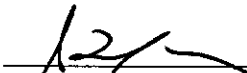
Plaintiff has brought this *pro se* action for employment discrimination. Discovery has been completed, and defendants have filed a motion for summary judgment. The motion will be granted.

The record makes clear that plaintiff is a highly intelligent woman. Further, the record makes clear that she was subjected to an extremely unfortunate conversation, which might reasonably be considered to involve sexual harassment, with Donna Deng. Deng apologized to plaintiff for what she said during the conversation. Plaintiff nevertheless remained hurt and upset. However, Deng was an employee of Booz Allen Hamilton which was working with defendant Lockheed Martin under what was known as the “FAME” contract with the General Services Administration, and was not under the control of Lockheed Martin. Plaintiff complained about the incident and thereafter she was discharged. However, the record makes clear that the discharge was the result of budget reductions to the FAME contract that resulted in numerous Lockheed Martin employees being laid off. In connection with the layoff, plaintiff was compared with Trun Tran who had the same job code as plaintiff. When plaintiff was measured against Tran, her rating was lower than his, resulting in her layoff. Thus, although plaintiff’s position was understandable, she has no claim.

It is also to be noted that plaintiff's claims against the individual defendants fail. Under 42 U.S.C. §1981 only supervisors may be held liable, and supervisors "cannot be liable under §1981 unless they intentionally cause [an employer] to infringe the rights secured by [that] section." *Tibbs v. Baltimore City Police Dep't*, 2012 WL 3655564, at *6 (D. Md. Aug. 23, 2012). Here, there is no evidence that plaintiff's supervisors participated in the decision to layoff plaintiff.

A separate order granting defendants' motion is being entered herewith.

Date: 3/11/16



J. Frederick Motz
United States District Judge

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