

# Marshall v. Eyecare Specialties, P.C. (MFR)

**Case Number**

S-14-0696

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April 30, 2015

**Court Number**

Lancaster

**Case Summary**

S-14-696 Cindy Marshall (Appellant) v. Eyecare Specialties, P.C. of Lincoln (Appellee)

Lancaster County, Judge John Colborn

Attorneys: Abby Osborn & Joy Schiffermiller of Shiffermiller Law Office for Appellant, Shawn Renner, Susan Sapp & Tara Stingley of Cline, Williams, Wright, Johnson & Oldfather LLP for the Appellee.

Civil: Disability Discrimination

Proceedings Below: Summary judgment granted for the Defendants, rejecting Marshall's claim that mixed motive analysis is relevant to Marshall's perceived disability claim, finding that there was no direct evidence of discrimination, and finding that the Defendant had established a legitimate, non-discriminatory reason for terminating Marshall's employment.

Issues: The trial court erred in (1) finding there was no genuine issue of material fact and Appellant had not suffered a constitutional violation; (2) not viewing the facts in light of the non-moving party; (3) not finding there was direct evidence of discrimination and the mixed-motive was not applicable to a claim of disability discrimination; (4) failing to find that there is a dispute as to material fact that defendant's actions violated Appellant's right to be free from discrimination based on a perceived disability; (5) determining Appellee articulated a legitimate non-discriminatory reason and/or the proffered reason was a pretext for discrimination; (6) impermissibly relying on the findings of the NEOC in granting summary judgment.

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