

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

SHANNON CORBETT,

Plaintiff,

v.

TEXAS TECH UNIVERSITY HEALTH
SCIENCES CENTER,

Defendant.

No. 5:21-CV-281-H

**ORDER GRANTING DEFENDANT’S MOTION
FOR SUMMARY JUDGMENT IN PART**

Before the Court is Texas Tech University Health Sciences Center’s Motion for Summary Judgment (Dkt. No. 17) and Motion to Strike (Dkt. No. 27). Having thoroughly reviewed the parties’ briefs, the relevant and admissible summary-judgment evidence, and the applicable law, the Court grants both motions in part.

The Court grants summary judgment as to Dr. Corbett’s sex-discrimination and retaliation claims. However, summary judgment is denied as to Dr. Corbett’s hostile-work-environment claims. Dr. Corbett points to sworn testimony in which she states that on 10 or 15 occasions the Program Director of the Anesthesiology Residency Program told her that women should not be in the program and should stay as nurses. Dkt. Nos. 25 at 17; 25-1 at 51–52. TTUHSC points to contrary evidence and presents a colorable argument against Dr. Corbett on her hostile-work-environment claim. Dkt. Nos. 18 at 33–36; 26 at 8–9. Nevertheless, viewing the evidence in the light most favorable to the plaintiff, the Court concludes that a genuine issue of material fact exists as to whether the comments were “sufficiently severe or pervasive to alter the conditions of the victim’s employment and create an abusive working environment.” *See Ramsey v. Henderson*, 286 F.3d 264, 268 (5th

Cir. 2002); *see also Gardner v. CLC of Pascagoula, L.L.C.*, 915 F.3d 320, 325 (5th Cir. 2010) (“To get past summary judgment, [the plaintiff] need not make it ‘clear’ that she was subject to actionable harassment; she of course only needs to show that a jury could reach that conclusion based on its view of the evidence.”). Here, the statements were allegedly made repeatedly and sent the message that the plaintiff was incompetent because of her sex, which is a relevant consideration under Fifth Circuit precedent. *See Butler v. Ysleta Indep. Sch. Dist.*, 161 F.3d 263, 269–70 (5th Cir. 1998) (noting that the plaintiffs had not been subjected to a hostile work environment because, in part, communications they had received did not explicitly or implicitly state that the plaintiffs were “incompetent because of [their] sex”); *Shepherd v. Comptroller of Pub. Accts. of State of Tex.*, 168 F.3d 871, 874 (5th Cir. 1999) (granting summary judgment because the defendant’s comments “did not undermine [the plaintiff’s] workplace competence”). Therefore, although a close call, on the evidence before it the Court denies summary judgment as to Dr. Corbett’s hostile-work-environment claim.

Trial is currently set for the three-week civil docket beginning on July 17, 2023. The Court issues this order to provide notice. The Court will soon issue a memorandum opinion and order explaining in detail the Court’s decision to grant in part TTUHSC’s Motion for Summary Judgment and Motion to Strike. The Court is also in receipt of TTUHSC’s Motion to Strike Plaintiff’s Expert (Dkt. No. 15) and will be issuing its order resolving the motion soon.

So ordered on June 21, 2023.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE