United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-7061 **September Term, 2017**

FILED ON: MARCH 6, 2018

KAREN H. SCOTT,

APPELLANT

v.

DISTRICT HOSPITAL PARTNERS L.P., AGENT OF GEORGE WASHINGTON UNIVERSITY HOSPITAL AND UHS OF DELAWARE, INC.,

APPELLEES

Appeal from the United States District Court
for the District of Columbia
(No. 1:13-cv-00600)

Before: HENDERSON and TATEL, *Circuit Judges*, and WILLIAMS, *Senior Circuit Judge*.

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and the briefs filed by the parties. See FED. R. APP. P. 34(a)(2); D.C. CIR. R. 34(j). The court has accorded the issues full consideration and determined they do not warrant a published opinion. See D.C. CIR. R. 36(d). For the reasons stated below, it is

ORDERED AND ADJUDGED that the orders of the District Court entered on July 28, 2014 and December 29, 2016 be **AFFIRMED**.

Karen Scott, an African-American woman in her fifties, sued George Washington University Hospital and its owners, alleging that her hospital supervisor terminated her and subjected her to a hostile work environment because of her race and disability and in retaliation for complaints about such discrimination. (Scott's complaint also makes fleeting references to age discrimination, but she does not raise the issue in her briefs on appeal.) The district court dismissed Scott's disability and retaliation claims; the court properly found that Scott had failed to timely raise either claim before the EEOC and that Scott's alleged difficulty breathing did not constitute a legally cognizable injury under the Americans with Disabilities Act. *Scott v. Dist. Hosp. Partners, L.P.*, 60 F. Supp. 3d 156, 161–64 (D.D.C. 2014). For the latter reason, the district court

also rightly dismissed Scott's claim that she was made to endure a hostile work environment on account of her alleged disability. *Id*. at 164–65. Finally, in light of federal statutes that provide express remedies for wrongful termination, the district court correctly found that Scott had failed to state a common law wrongful discharge claim. *Id*. at 165.

As to the surviving claims—hostile work environment and wrongful termination, both on account of race—the district court granted summary judgment. *Scott v. Dist. Hosp. Partners, L.P.*, 220 F. Supp. 3d 6, 11–16 (D.D.C. 2016). The district court was right to do so. Based on our review of the "vague," "conclusory," and often times "bizarre" declarations that Scott belatedly submitted, we agree that no reasonable jury could conclude that Scott's termination or any claimed workplace hostility was racially motivated.

The district court carefully sifted through Scott's meritless claims and wrote two thoughtful, well-reasoned opinions. In so doing, however, the district court "disregarded" Scott's statements because (among many other things) nearly all were "self-serving and uncorroborated, even though they constitute the very type of testimony—given the number of individuals implicated—for which 'corroborating evidence should be readily available.'" *Scott*, 220 F. Supp. 3d at 14 (quoting *Smith v. Lynch*, 106 F. Supp. 3d 20, 37 (D.D.C. 2015), quoting *Fields v. Office of Johnson*, 520 F. Supp. 2d 101, 105 (D.D.C. 2007)). On this proposition, the district courts in *Smith* and *Fields* erred and should not be followed; we have said as much. See *Johnson v. Perez*, 823 F.3d 701, 710 (D.C. Cir. 2016). Because our review is de novo, this minor legal error provides no reason not to affirm the district court's grant of summary judgment.

Pursuant to Rule 36 of this Court, this disposition will not be published. The clerk is directed to withhold issuance of the mandate herein until seven days after the disposition of any timely petition for rehearing or petition for rehearing *en banc*. See FED. R. APP. P. 41(b); D.C. CIR. R. 41.

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk