

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued December 9, 2025

Decided September 8, 2026

No. 25-7063

GINA LATTURE,
APPELLANT

v.

PRIORITY LIFE CARE, LLC,
APPELLEE

Appeal from the United States District Court
for the District of Columbia
(No. 1:23-cv-01364)

David A. Branch argued the cause and filed the briefs for
appellant.

James J. Murphy argued the cause for appellee. With him
on the brief was *Matthew W. Brown*.

Before: WILKINS, RAO, and WALKER, *Circuit Judges*.

Opinion for the Court filed by *Circuit Judge* WILKINS.

Concurring opinion filed by *Circuit Judge* WILKINS.

WILKINS, *Circuit Judge*: Priority Life Care, LLC (“PLC”) is a family-run business that manages senior living communities throughout the United States. In January 2021, PLC hired Gina Latture, a Black woman, as Director of Sales and Marketing at Livingston Place, a newly constructed assisted living community for low-income residents located in southeast Washington, D.C. She was fired roughly seven months later for insubordination and lack of professionalism. Latture filed this lawsuit against PLC, alleging: (1) common law claims of wrongful termination in violation of public policy and tortious interference with business relations, and (2) claims for racial discrimination, retaliation, and hostile work environment under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* The District Court dismissed the common law claims and later granted summary judgment in favor of PLC on the Title VII claims.

For the reasons set forth below, we affirm the District Court’s dismissal of the common law claims, as well as the grant of summary judgment to PLC on the discrimination and retaliation claims. In reviewing the latter, we view the evidence in the light most favorable to the nonmoving party. *See Bunting v. D.C. CVS Pharm., LLC*, 172 F.4th 36, 39 (D.C. Cir. 2026). Though we likewise affirm on the hostile work environment claim, we do so on the alternative ground that it is untimely.

I.

Gina Latture commenced her employment at PLC on January 4, 2021, and was charged with preparing Livingston Place for its grand opening in the coming months. To see that through, Latture’s principal job responsibilities were to “[m]anage and create strategic initiatives to maximize admissions” and to “build, grow[,] and maintain an acceptable

facility census level” for Livingston Place. J.A. 219. An essential part of the role included collaborating with “local community agencies to generate a positive facility image,” “[c]onduct[ing] admission screening of potential residents,” and “ensur[ing] appropriate admission papers and signatures [were] obtained from residents or responsible parties prior to admission.” J.A. 219.

From the outset, Latture reported directly to Gail Jernigan, who had been hired by PLC in December 2020 to serve as Executive Director of Livingston Place. The two eventually relocated to a three-bedroom apartment designated as a satellite office to lay the groundwork for Livingston Place’s official debut. Latture also worked alongside Michelle Pierson, the Business Office Manager, who later transitioned to working on-site at the satellite office, as well as Tammy Gerardot—the Regional Director of Operations who had also hired Latture. Gerardot was based out of PLC’s headquarters in Fort Wayne, Indiana but occasionally visited the satellite office to conduct site visits and assess Livingston Place’s progress. J.A. 529–534. Gerardot, Jernigan, and Pierson are all white women.

During the spring of 2021, Latture alleges that she was subjected to a series of racially discriminatory comments by Gerardot, Jernigan, and Pierson. These comments were made either directly in Latture’s presence or in spaces close enough that she could hear. For Gerardot, they included references to local Black residents in the surrounding area as “you people” and “these people,” remarks that “[t]hey live in the ghetto,” and commentary describing a group of Black men gathered at a gas station near the satellite office as “monkeys” and a “pack of animals.” J.A. 12–13. In Jernigan’s case, the comments went so far as to call Ashley Lawrence, a non-PLC employee who was also working in the satellite office, an “ignorant black bitch.” J.A. 13. When Latture confronted Jernigan about her

derogatory comment, Jernigan replied, “[w]ell, at least I didn’t call her the N-word.” J.A. 13. Pierson offered remarks that associated Black residents with being “dirty.” J.A. 13–14. She also described a Black woman loitering outside of a liquor store near the satellite office as “smell[ing] like [c]ooch.” *Id.* During one visit to the satellite office, another white PLC employee, Clayton Brightwell, echoed similar sentiments, describing “the area surrounding the facility” as “the straight up hood with nothing but ghetto [B]lacks and hood rats.” J.A. 13, 535. Save for Latture’s objection to Jernigan’s “ignorant black bitch” statement, Latture did not report any of the other discriminatory comments to Human Resources due to the “family structure at PLC” and her fear of losing her job. J.A. 561.

By the time Livingston Place officially opened on June 4, 2021, the 150-unit facility only had one resident. That tally reached three residents by July 2, 2021. These subpar numbers led PLC management to investigate potential root causes, which revealed that Latture had not been consistently utilizing various marketing tools and tracking metrics to manage prospective client inquiries or execute targeted email campaigns to optimize outreach.

These issues persisted, and Latture was officially placed on a formal Performance Improvement Plan (“PIP”) by Jernigan on July 6, 2021. The PIP flagged three areas of concern that touched on Latture’s failure to: (1) leverage email campaigns to scale outreach; (2) make use of PLC’s internal tracking systems to monitor leads and referrals; and (3) utilize marketing programs to manage residential inquiries. Latture expressed frustration about the PIP through a series of comments to Jernigan, for which she later apologized.

Matters reached a breaking point during a morning meeting held on August 9, 2021, in which Jernigan asked Latture if she had followed through on a call to a prospective resident over the weekend. According to Jernigan, Latture “angrily” replied that “she doesn’t work weekends, that the weekends were her time.” J.A. 385, 448. The situation further soured when Jernigan went to Latture’s office and Latture “got very verbal with [her].” J.A. 385. Pierson intervened thereafter to smooth things over, but Latture aimed additional verbal comments at her too. J.A. 385.

On August 11, 2021, Jernigan, Gerardot, and Brandie Petras, Vice President of Sales and Marketing, discussed via email Latture’s outburst on August 9. J.A. 450, 452–54, 463–64. Gerardot questioned whether Latture was “doing more harm than good” and recommended that she be fired for “insubordination or aggressive behavior.” J.A. 453, 543. Gerardot wrote that Latture’s “insubordination and behavior towards coworkers has exceeded the limitation of our acceptance” and that Latture had failed to complete the required training videos outlined in her PIP. J.A. 482–83.

Latture was terminated from PLC the following day, on August 12, 2021. J.A. 460. The termination was based on Latture’s “continued insubordination and unprofessionalism displayed on 8/9/2021 toward [her] supervisor, Gail Jernigan and the Business Office Manager, Michelle [Pierson],” which “reveal[ed] [her] inability to follow . . . standards of conduct.” J.A. 327. That same month, Gerardot hired Brandon Webb, a Black man, to replace Latture as Director of Sales and Marketing at Livingston Place. J.A. 545, 649.

Latture obtained an employment offer from Maple Heights Assisted Living (“Maple Heights”) on November 23, 2021. J.A. 546–47. According to her complaint, she signed

and returned the offer letter, only to have it rescinded shortly thereafter. J.A. 25–26. The complaint attributed the rescission to “disparaging comments” made by “[i]ndividuals from [PLC]” about her “to Maple Heights representatives at a joint Medicaid Provider meeting” and that “no one want[ed] to work with her” after “being made aware of [her] bad reputation.” J.A. 26.

Latture filed a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”) on May 26, 2022. She initially filed this lawsuit in the District of Columbia Superior Court on February 17, 2023, alleging: (1) common law claims for wrongful termination in violation of public policy and tortious interference with business relations, and (2) Title VII claims based on race discrimination, retaliation, and hostile work environment. PLC timely removed the action to the District Court on May 15, 2023.

The District Court dismissed Latture’s common law claims and later granted summary judgment in favor of PLC on her Title VII claims. This appeal followed. We take jurisdiction under 28 U.S.C. § 1291.

II.

First up are Latture’s wrongful termination in violation of public policy and tortious interference with business relations claims, both of which were dismissed by the District Court. We review the District Court’s dismissal *de novo*, “accept[ing] the operative complaint’s well-pleaded factual allegations as true and draw[ing] all reasonable inferences” in Latture’s favor. *N. Am. Butterfly Ass’n v. Wolf*, 977 F.3d 1244, 1249 (D.C. Cir. 2020). Even so, dismissal for failure to state a claim is proper when “a plaintiff’s pleadings do not present ‘enough facts to state a claim to relief that is plausible on its face.’”

Goodrich v. Bank of Am. N.A., 136 F.4th 347, 353 (D.C. Cir. 2025) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

Applying the laws of the District of Columbia, we affirm the dismissal of Latture’s claims of wrongful termination in violation of public policy and tortious interference with business relations on the ground that Latture failed to plead sufficient facts to sustain either claim.

A.

We begin with Latture’s claim for wrongful termination in violation of public policy.

For more than a quarter century, the District of Columbia has held fast to the employment-at-will doctrine, which stipulates that “an at-will employee may be discharged ‘at any time and for any reason, or for no reason at all.’” *Herron v. Fannie Mae*, 861 F.3d 160, 170 (D.C. Cir. 2017) (quoting *Liberatore v. Melville Corp.*, 168 F.3d 1326, 1329 (D.C. Cir. 1999)). For all that it governs, the at-will employment doctrine yields a “very narrow” public policy exception. *Adams v. George W. Cochran & Co.*, 597 A.2d 28, 34 (D.C. 1991). Under the exception, a plaintiff may “sue his or her former employer for wrongful discharge when the sole reason for the discharge is the employee’s refusal to violate the law,” *id.*, the claim is “firmly anchored either in the Constitution or in a statute or regulation which clearly reflects the particular public policy being relied upon[,]” and there exists “a close fit between the policy thus declared and the conduct at issue in the allegedly wrongful termination.” *Herron*, 861 F.3d at 170 (citation modified); *see also Carl v. Children’s Hosp.*, 702 A.2d 159, 162, 164 (D.C. 1997) (en banc) (Terry, J., concurring).

Latture contends that she alleged sufficient facts to state a claim for wrongful termination in violation of public policy. For support, she relies on her allegations of feeling “pressured to move in residents without the requisite assessments or executed contracts, in violation of applicable Medicare and Medicaid regulations,” and more specifically, Jernigan’s insistence that she “backdate mandatory District of Columbia medical clearance forms” for certain prospective residents. Appellant’s Opening Br. at 18. Latture further claims that her opposition to these practices precipitated her termination, and that the totality of these facts relieve her of any obligation to identify a “specific statute, regulation, or constitutional provision in [her] complaint” underlying the claim. *Id.* at 18–19.

We are not persuaded. Claims for wrongful termination in violation of public policy generally proceed where “the employee refuses to violate a specific law and the employer puts to the employee the choice of breaking the law or losing his job.” *Liberatore*, 168 F.3d at 1329. The public policy exception to the at-will doctrine requires that Latture allege a violation of a “clear mandate of public policy solidly based on statute.” *Riggs v. Home Builders Inst.*, 203 F. Supp. 2d 1, 21 (D.D.C. 2002). Latture has not met that requirement. Sweeping references to “District of Columbia law” and “Medicare and Medicaid laws,” J.A. 24, cannot supply the specificity the public policy exception demands. What little Latture has proffered in the form of generalized and vague violations of public policy consigns us to speculation, a burden that is not ours to bear. *See Jones v. D.C. Water & Sewer Auth.*, 943 F. Supp. 2d 90, 95 (D.D.C. 2013) (establishing that a claim for wrongful termination in violation of public policy requires “greater specificity than a generic citation to laws and regulations” and that its sufficiency turns on the plaintiff’s ability to “identify the specific statute or municipal regulation

that he was instructed to violate” (citation modified)). Because Latture has failed to plead a specific violation of public policy, and we cannot discern whether the “very narrow” exception is “firmly anchored either in the Constitution or in a statute or regulation,” *Carl*, 702 A.2d at 162, we conclude that this claim was correctly dismissed by the District Court.

B.

Next is Latture’s tortious interference with business relations claim. To assert such a claim under District of Columbia law, Latture must allege: “(1) [the] existence of a valid contractual or other business relationship; (2) the defendant’s knowledge of the relationship; (3) intentional interference with that relationship by the defendant; and (4) resulting damages.” *Onyeoziri v. Spivok*, 44 A.3d 279, 286 (D.C. 2012) (citation omitted); *Jankovic v. Int’l Crisis Grp.*, 593 F.3d 22, 29 (D.C. Cir. 2010) (citation omitted).

As Latture sees it, her Maple Heights employment offer was rescinded after “[i]ndividuals from [PLC] recklessly made disparaging comments regarding Ms. Latture to Maple Heights representatives at a joint Medicaid [p]rovider meeting.” J.A. 26. She says that these statements clarified her “bad reputation” to Maple Heights, leaving “no one wanting to work with her.” J.A. 26.

We conclude that the claim was properly dismissed. Latture failed to sufficiently plead the requisite elements of knowledge and intent. Latture argues in her motion papers that Jernigan and Pierson knew of her Maple Heights’ employment offer, but that allegation was omitted entirely from her complaint. Appellant’s Opening Br. at 19–20, J.A. 17–18, 25–26. One cannot intend to interfere with an employment offer of which they are unaware. *See Capitol Servs. Mgmt., Inc. v.*

Vesta Corp., 933 F.3d 784, 791 (D.C. Cir. 2019) (recognizing that a “*prima facie* case of tortious interference with business relations . . . requires that a plaintiff plead ‘intentional interference’”). Additionally, the complaint fails to allege that either Jernigan or Pierson were present at the Medicaid provider meeting, what “disparaging comments regarding Ms. Latture” were said, or which Maple Heights representatives were in attendance.

As the foregoing makes clear, satisfying the essential elements of a *prima facie* case cannot rest upon mere speculation; only well-pleaded facts can satisfy them. *See Hettinga v. United States*, 677 F.3d 471, 476 (D.C. Cir. 2012). The facts pleaded here are anything but well pleaded. Because Latture’s allegations resemble “[t]hreadbare recitals of the elements of a cause of action,” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), that contain insufficient “facts to state a claim to relief that is plausible on its face,” *Goodrich*, 136 F.4th at 353, her tortious interference with business relations claim fails as a matter of law.

C.

Having resolved the common law claims, we proceed to Latture’s race discrimination, retaliation, and hostile work environment claims. Recall that the District Court granted summary judgment in favor of PLC on all three claims.

Here too, we review the grant or denial of summary judgment *de novo*. *Goodrich*, 136 F.4th at 353. Summary judgment is merited only if, after “viewing the evidence in the light most favorable to the non-movant and drawing all reasonable inferences accordingly, no reasonable jury could reach a verdict in her favor.” *Breiterman v. U.S. Capitol Police*, 15 F.4th 1166, 1172 (D.C. Cir. 2021) (citation omitted).

We affirm the grant of summary judgment to PLC because Latture has failed to satisfy her burden of proof on both her discrimination and retaliation claims. We further affirm the grant on Latture's hostile work environment claim, though on the alternative ground that it is untimely.

1. Discrimination

Title VII of the Civil Rights Act of 1964 makes it unlawful for an employer to discriminate against an employee based on race. *See* 42 U.S.C. § 2000e-2(a)(1). An employee alleging discrimination under Title VII may prevail against an employer's motion for summary judgment by producing either direct or circumstantial evidence of discrimination. *Dunaway v. Int'l. Bhd. of Teamsters*, 310 F.3d 758, 763 (D.C. Cir. 2002). A statement may constitute "direct evidence" of discrimination where the "statement . . . itself shows racial or gender bias in the [employment] decision." *Ayissi-Etoh v. Fannie Mae*, 712 F.3d 572, 576 (D.C. Cir. 2013); *see also Vatel v. All. of Auto. Mfrs.*, 627 F.3d 1245, 1247 (D.C. Cir. 2011).

Latture contends that several alleged statements serve as direct evidence of race-based discrimination. As we have already noted, these statements include, among others: (1) Gerardot's references to "African American staff and clients from the surrounding neighborhood as 'those people' or 'these people'" and her characterization of "a group of African American men gathered at a nearby gas station" as "'monkeys' or a 'pack of animals'"; (2) Jernigan calling a third-party worker an "'ignorant black bitch,'" and, when confronted by Latture, replying, "'[a]t least I didn't call her the N-word'"; (3) Pierson's description of an African-American woman standing outside a liquor store next to the satellite office "[as] 'smell[ing] like cooch'"; and (4) Brightwell branding "the

entire neighborhood as ‘ghetto Blacks and hood rats.’” Appellant’s Opening Br. at 7, 28–29 (citing J.A. 12–14), J.A. 168–69.

Even when viewed in the light most favorable to Latture, none of these alleged statements establish “racial or gender bias in the [employment] decision” to terminate her. *Ayissi-Etoh*, 712 F.3d at 576. Some of the comments are attributable to individuals without the power to terminate her employment. And the managers with that power never mentioned Latture or her race in connection with her eventual termination. Because no discernible racial bias exists with respect to Latture’s termination, we cannot conclude that any of these alleged statements constitute direct evidence of discrimination. *See Vatel*, 627 F.3d at 1247.

At best, Latture’s alleged statements can be construed as indirect evidence. Where that is so, we employ the familiar three-step burden-shifting framework established in *McDonnell Douglas Corp. v. Green*, to determine whether circumstantial evidence supports her discrimination claim. 411 U.S. 792, 802 (1973); *Chappell-Johnson v. Powell*, 440 F.3d 484, 487 (D.C. Cir. 2006).

The framework begins with Latture, who must first establish a *prima facie* case of racial discrimination. *Wheeler v. Georgetown Univ. Hosp.*, 812 F.3d 1109, 1113 (D.C. Cir. 2016). To state a *prima facie* case, Latture must establish “she is part of a protected class under Title VII, she suffered a cognizable adverse employment action, and the action gives rise to an inference of discrimination.” *Walker v. Johnson*, 798 F.3d 1085, 1091 (D.C. Cir. 2015) (citation omitted). Should she succeed, the burden of production then shifts to PLC to come forward with “a legitimate, nondiscriminatory reason” for Latture’s termination. *Wheeler*, 812 F.3d at 1114. Once an

alternative reason is articulated, we reach the final stage of the framework, where Latture must “show that [PLC’s] stated reason for its actions was in fact pretext for unlawful discrimination.” *Id.* In line with our customary practice of reviewing summary judgment orders, “we skip ahead to the [final] step in the test” where the employer “has proffered some legitimate reason for its adverse employment action[.]” *Id.*

PLC asserts that it terminated Latture for insubordination and unprofessional conduct displayed during a morning meeting held on August 9. J.A. 327. That justification brings us to the third step of the *McDonnell Douglas* framework to determine whether Latture’s asserted reasons for her termination can sustain an inference that the real motivation behind it was race-based.

Latture claims that her termination was racially motivated because Jernigan “submitted false accusations” that directly led to her discharge. Appellant’s Opening Br. at 24. But Latture has neither identified the “false statements” nor their source. We presume the “false accusations” Latture references relate to the string of emails exchanged between Gerardot, Petras, and Jernigan on August 11, 2021, but none of the messages has anything to do with race. J.A. 453, 482–83, 649–50. The transmitted emails are consistent with PLC’s justification that Latture was terminated because of insubordination and unprofessional conduct at a morning meeting held on August 9.

Beyond the “false accusations,” Latture further presses that her termination was pretext for racial discrimination based on circumstances that gave rise to her PIP placement. To bridge the two, Latture says that she “successfully completed the PIP” she received on July 6, 2021, despite it being “backdated” and “issued days after [she] objected to Ms.

Jernigan’s racial slur.” Appellant’s Opening Br. at 24. Latture maintains that the totality of these events rendered her termination a foregone conclusion and that PLC’s inconsistencies prove it.

We see insufficient evidence of pretext. The PIP was only issued after Latture failed to fulfill her core job duties and after data revealed underwhelming resident admissions both on June 4, 2021, when Livingston Place officially opened, and later that summer. The PIP notably draws on Latture’s performance-related deficiencies and nothing more. J.A. 324–25. For instance, Latture’s noncompliance with company policy was confirmed by her failure to timely respond to a prospective resident. J.A. 650. Even by her own account, Latture does not deny that she failed to utilize specific marketing tools consistently. J.A. 540–41. Instead, she offers a host of collateral reasons (i.e. an alternative operational strategy she assumed, a request to pass her duties off to an assistant, etc.) to explain why certain deliverables were never completed. *Id.* And above all else, Latture undercuts her own theory of discrimination by conceding she was uncertain whether race influenced her placement on a PIP (and later termination) by any measure. J.A. 181.

In sum, we conclude that Latture failed to adduce enough evidence to create a genuine dispute that PLC’s stated reason for terminating her is a pretext for discrimination. PLC was thus entitled to summary judgment on Latture’s race-based discrimination claim.

2. Retaliation

Then there is Latture’s retaliation claim. To prove unlawful retaliation, Latture must establish: “(1) that [s]he opposed a practice made unlawful by Title VII; (2) that the

employer took a materially adverse action against h[er]; and (3) that the employer took the action because the employee opposed the practice.” *McGrath v. Clinton*, 666 F.3d 1377, 1380 (D.C. Cir. 2012) (citation modified). We have held that “temporal proximity can indeed support an inference of causation, but only where the two events are very close in time.” *Hamilton v. Geithner*, 666 F.3d 1344, 1357 (D.C. Cir. 2012) (citation modified). That determination, however, is frequently informed by a fact-specific inquiry and by additional evidence from which the causal inference can be drawn. *Id.* at 1358.

In defense of her claim, Latture recites “a pattern of retaliation” that includes being “falsely accused of abusing sick leave and reprimanded, excluded from key meetings, placed on a backdated PIP[,] and ultimately terminated.” Appellant’s Opening Br. at 26. Mirroring her discrimination claim, the crux of Latture’s retaliation claim lies in her objection to Jernigan’s “ignorant black bitch” comment, which she claims precipitated the retaliatory acts. *Id.* at 26–27.

Latture cannot carry her burden of establishing that her termination was motivated by her objection to Jernigan’s racially derogatory comment. A closer look at the record illustrates that the decision to terminate Latture was Gerardot’s, and the record is bereft of any evidence indicating that she was aware of Latture’s objection to Jernigan’s statement at the time she was terminated. J.A. 544–45. Nor could Gerardot have even possessed that awareness, for Latture admitted that she disclosed her objection to no one but Jernigan and assuredly not anyone else on PLC’s Human Resources team. J.A. 538, 545. That absence of knowledge cuts strongly against Latture’s retaliation claim. *See Gray v. Foxx*, 637 F. App’x 603, 607 (D.C. Cir. 2015) (“An employer cannot retaliate against an employee unless the employer has

knowledge of the protected activity, and in order to survive summary judgment, an employee must offer circumstantial evidence that could reasonably support an inference that they did.”) (citation modified); *see also Holbrook v. Reno*, 196 F.3d 255, 263 (D.C. Cir. 1999) (same).

The timing between the adverse action (termination) and the protected activity (objection to racially derogatory comment) only weakens the causal inference further. Latture admitted that her objection to Jernigan’s alleged racially derogatory comment occurred sometime “between January and early April 2021.” J.A. 536. That chronology places both the comment and the objection—at the latest—roughly three months before Latture was issued the PIP on July 6, 2021. The stretch of time between those events, without more, undermines any potential connection between the two. *See Clark Cnty. Sch. Dist. v. Breeden*, 532 U.S. 268, 273–74 (2001) (citing approvingly cases where three- and four-month intervals between the protected activity and adverse action were insufficient to establish an inference of retaliation).

Because none of Latture’s allegations can support a claim for retaliation under Title VII, we conclude that summary judgment was proper.

3. Hostile Work Environment

Finally, we turn to Latture’s hostile work environment claim. The District Court found that the alleged discriminatory comments made by PLC management were neither severe nor pervasive enough to support a hostile work environment claim because they were intermittent, “not related to Latture’s race,” and “not directed to” Latture. J.A. 655–658. Although the District Court did not reach the issue of whether the hostile work environment claim was untimely, we affirm on that

alternative ground. *See Wilburn v. Robinson*, 480 F.3d 1140, 1148 (D.C. Cir. 2007) (noting that appellate courts may “affirm a grant of summary judgment on alternative grounds”).

Title VII establishes two possible limitation periods for a hostile work environment claim: either 180 or 300 days after “the alleged unlawful employment practice occurred.” 42 U.S.C. § 2000e-5(e)(1). Title VII allows 300 days to file an EEOC charge when the employee initially institutes proceedings with an authorized state or local agency. 42 U.S.C. § 2000e-5(e)(1). Because Latture’s charge was also filed with the D.C. Office of Human Rights (“DCOHR”) under the EEOC–DCOHR worksharing agreement, the 300-day period applies. J.A. 377; *see Carter v. George Washington Univ.*, 387 F.3d 872, 879 (D.C. Cir. 2004). Her May 26, 2022, charge reaches conduct on or after July 30, 2021. A charge alleging a hostile work environment claim “will not be time barred so long as all acts which constitute the claim are part of the same unlawful employment practice and at least one act falls within the time period.” *Nat’l R.R. Passenger Corp. v. Morgan*, 536 U.S. 101, 122 (2002).

Latture identifies no act on or after July 30 that produced a hostile work environment. The August 10–12 communications solely concerned Latture’s performance and workplace conduct and had nothing to do with her race. J.A. 452–54. For the reasons explained in the discrimination section, the termination likewise was not part of the same alleged racially hostile work environment. Accordingly, Latture’s hostile work environment claim is legally stale.

* * *

We affirm the District Court’s dismissal of Latture’s claims for wrongful termination in violation of public policy

and tortious interference with business relations, along with the grant of summary judgment to PLC on her discrimination and retaliation claims. On the claim for hostile work environment, we affirm the grant, but on the separate ground that it is untimely.

So ordered.

WILKINS, *Circuit Judge*, concurring: I concur in the Court's opinion, but write separately to highlight a rising trend in cases involving hostile work environment claims, in which courts have found that discriminatory conduct, no matter how egregious, cannot sustain such a claim because the offensive conduct was not directly aimed at the plaintiff and the protected class to which they belong. This view is demonstrably mistaken.

That conclusion follows directly from the seminal hostile work environment case of *Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986). In that case, the Supreme Court described the scope of a hostile work environment claim based on sex as one "not limited to economic or tangible discrimination." *Id.* at 64 (citation modified). The Court's reasoning drew on *Rogers v. EEOC*, 454 F.2d 234 (5th Cir. 1971), *cert. denied*, 406 U.S. 957 (1972), which involved a Hispanic plaintiff who alleged that her employer "created an offensive work environment for employees by giving discriminatory service to its Hispanic clientele." *Meritor*, 477 U.S. at 66. The Fifth Circuit charted a new course in *Rogers*, concluding that a racially hostile work environment could alone constitute a Title VII violation, even where the employer directs the discriminatory conduct at persons within the plaintiff's racial group, not at the plaintiff herself. *Rogers*, 454 F.2d at 238–39. Limiting hostile work environment claims only to conduct aimed squarely at a plaintiff was incompatible with "the thrust of Title VII's proscriptions," which are "aimed at the consequences or effects of an employment practice." *Id.* at 239. Nearly 30 years later, the Court still described *Rogers* as the "leading case" for hostile work environment claims. *Vance v. Ball State Univ.*, 570 U.S. 421, 426–427 (2013) (citing *Rogers*, 454 F.2d at 234).

Here, the District Court's hostile work environment analysis was irreconcilable with *Meritor*'s endorsement of the Fifth Circuit's opinion in *Rogers*.

The District Court's primary basis for dismissing the discriminatory comments allegedly made by PLC management was that they were not explicitly directed at Latture. *See* J.A. 657 ("Latture focuses on racial statements and other comments that were not directed to her, which generally means that a plaintiff cannot . . . establish[] a hostile environment.") (citation modified). The District Court premised this finding on two district court cases—*Nuriddin v. Goldin*, 382 F. Supp. 2d 79 (D.D.C. 2005) and *Gustave-Schmidt v. Chao*, 360 F. Supp. 2d 105 (D.D.C. 2004)—neither of which applied the *Meritor* standard.

That was error. As *Meritor*'s endorsement of *Rogers* made clear, a hostile work environment claim can be based on statements and actions directed to persons other than the plaintiff, particularly when they are directed to persons of the same race as the plaintiff. *Meritor*, 477 U.S. at 65–66. The requirement that conduct must be "sufficiently severe or pervasive to alter the conditions of [the victim's] employment and create an abusive working environment" imposes no corollary requirement that the discriminatory conduct be directed at the victim. *Id.* at 67 (citation modified). As the Court explained in *Meritor*, "[i]n *Rogers* . . . the Fifth Circuit held that a Hispanic complainant could establish a Title VII violation by demonstrating that her employer created an offensive work environment for employees by giving discriminatory service to its Hispanic clientele." 477 U.S. 65–66. This is because "Title VII affords employees the right to work in an environment free from discriminatory intimidation, ridicule, and insult." *Id.* at 65. No employee should have to endure members of their own race being repeatedly insulted or mistreated by their employer. Accordingly, whether the discriminatory statements alleged by Latture amounted to a hostile work environment "turn[ed] largely on credibility

determinations committed to the trier of fact,” *id.* at 68, and the District Court’s categorical exclusion of these comments not only unduly restricted the proper reach of Title VII, but also improperly invaded the jury’s role.

The drift away from *Meritor*’s teachings has widened over the years in this Circuit. On several occasions, district courts have relied on the misconception that a discriminatory statement must be directed at a plaintiff to give rise to a hostile work environment claim. *See, e.g., Grays v. Noem*, 2025 WL 2643421, at *7 (D.D.C. Sept. 15, 2025); *Watkins v. Washington Metro. Area Transit Auth.*, 2025 WL 2378027, at *9 (D.D.C. Aug. 15, 2025); *Pauling v. District of Columbia*, 286 F. Supp. 3d 179, 210 (D.D.C. 2017); *Burton v. District of Columbia*, 153 F. Supp. 3d 13, 87 (D.D.C. 2015); *Kelley v. Billington*, 370 F. Supp. 2d 151, 159 (D.D.C. 2005). As I see it, that requirement fails to comport with *Meritor*. Surely, it cannot be that a Jewish person or a woman cannot suffer a hostile work environment just because all of the anti-Semitic or sexist comments in the workplace were directed to people other than them—that is nonetheless “an environment that a reasonable person would find hostile or abusive.” *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 21 (1993).

As other courts have recognized since *Meritor* and *Rogers*, one may reasonably find a working environment hostile or abusive where their racial identity is subject to repeated derogatory comments by their supervisors. Whether the discriminatory comments are meant for the employee or not, they stink up the air all the same. *See, e.g., Rasmy v. Marriott Int’l, Inc.*, 952 F.3d 379, 389 (2d. Cir. 2020) (“[C]onduct not directly targeted at or spoken to an individual but purposefully taking place in his presence can nevertheless transform his work environment into a hostile or abusive one[.]”); *Strickland v. City of Detroit*, 995 F.3d 495, 506 (6th Cir. 2021)

(“[I]ncidents of harassment not directed at a plaintiff may be considered in evaluating a hostile work environment claim.”); *Monteiro v. Tempe Union High Sch. Dist.*, 158 F.3d 1022, 1033 (9th Cir. 1998) (“[R]acist attacks need not be directed at the complainant in order to create a hostile educational environment.”). The attendant circumstances under which these racially hostile comments arose cannot negate their relevance, and the District Court should not have disregarded them at summary judgment.