

Two Rothwell Figg Attorneys Prevail Over D.C. in its Motion to Dismiss Title VII Lawsuit

Firm News
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Two Rothwell Figg attorneys, Steven Lieberman and Nicole DeAbrantes, prevailed over the District of Columbia in its Motion to Dismiss a Title VII lawsuit arising from the District of Columbia Public Schools' ("DCPS") retaliatory termination of *pro bono* client Naomi Touvian, a public school speech pathologist, following her request for reasonable accommodation for her religious observances.

On September 7, 2018, Judge Dabney L. Friedrich of the U.S. District Court for the District of Columbia ruled in favor of Ms. Touvian and denied the District of Columbia's Motion to Dismiss, finding that Ms. Touvian has the right to proceed with her retaliation claim and seek discovery. In the opinion, the Court concluded that the District of Columbia failed to provide any alternative explanation for Ms. Touvian's termination and that it did not challenge the fact that DCPS took adverse action against Ms. Touvian by terminating her and refusing to rehire her.

Ms. Touvian was hired at a D.C. elementary school in mid-2016, and about two weeks into her role, she sent in a request for time off in October to observe the Rosh Hashanah, Yom Kippur, and Sukkot holidays. In response, she received an email from her supervisor stating that she didn't like Ms. Touvian requesting "a lot of days" and that her dissatisfaction would be communicated to the head of the school system's speech-language department. In the days following, Ms. Touvian was "shunned" by coworkers. Ms. Touvian subsequently reported the behavior of her supervisor and her coworkers to her superiors. Following her complaint of this behavior, DCPS terminated Ms. Touvian and refused to rehire her.

In Bloomberg Law's Daily Labor Report on September 7, 2018, Steven stated that it's "critical that DCPS understand the importance of allowing employees to observe religious holidays."

Key Contacts

Nicole M. DeAbrantes
Steven Lieberman

Related Areas of Practice

Litigation

The case is Touvian v. Dist. of Columbia, 2018 BL 322628, D.D.C., Civil Action No. 17-cv-1818 (DLF), 9/7/18.