

NO. CAAP-12-0000741

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

CHRISTIE ADAMS,
Plaintiff-Appellant,
v.
CDM MEDIA USA, INC.,
Defendant-Appellee
and

JOHN DOES 1-5, JANE DOES 1-5, DOE CORPORATIONS 1-5,
DOE LLCS 1-5, DOE PARTNERSHIPS 1-5,
DOE NON-PROFIT ORGANIZATIONS 1-5, and
DOE GOVERNMENTAL AGENCIES 1-5,
Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 11-1-0931)

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding J., Fujise and Reifurth, JJ.)

Plaintiff-Appellant Christie Adams (Adams) filed a complaint with the Circuit Court of the First Circuit (circuit court) on May 10, 2011 asserting claims against Defendant-Appellee CDM Media USA, Inc. (CDM) for emotional distress and age discrimination under Hawaii Revised Statutes (HRS) § 378-2 (Supp.

2012).¹ Adams now appeals from the circuit court's "Order Granting Defendant's Motion For Summary Judgment Filed February 21, 2012" and Final Judgment both entered July 24, 2012.²

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, as well as the relevant statutory and case law, we conclude Adams' appeal is without merit.

Adams was 59 years old when CDM declined her application to a sales position in their Honolulu office. CDM stated that its decision was based on Adams' lack of recent and relevant work experience in inside sales to high level corporate executives in Fortune 1,000 companies. By articulating this "legitimate, nondiscriminatory reason" for refusing to hire Adams, CDM satisfied its burden of proof to rebut Adams' charge of age discrimination under the pertinent McDonnell Douglas test for age discrimination. Shoppe v. Gucci Am., Inc., 94 Hawai'i 368, 378, 14 P.3d 1049, 1059 (2000) (citing McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)); (holding modified by Hazen Paper Co. v. Biggins, 507 U.S. 604 (1993)); and (holding modified by Wilmot v. Forest City Auto Parts, 2000 WL 804616 (Ohio Ct. App. Jun. 22, 2000)). Adams did not produce persuasive, admissible evidence that CDM's reasons were "pretext" and thus failed to satisfy her burden under McDonnell Douglas. Shoppe, 94 Hawai'i at 378-79, 14 P.3d at 1059-60. Accordingly, the circuit court concluded that Adams "did not raise triable issues of material fact as to [CDM's reasons for not hiring her]" and granted summary judgment for CDM.

¹ On August 27, 2009, Adams filed a charge of age discrimination with the Hawaii Civil Rights Commission (HCRC). On February 9, 2011, HCRC issued a Notice of Dismissal and Right to Sue letter.

² The Honorable Karen T. Nakasone presided.

Therefore,

IT IS HEREBY ORDERED that the July 24, 2012 Final Judgment granting the July 24, 2012 "Order Granting Defendant's Motion For Summary Judgment Filed February 21, 2012" is affirmed.

DATED: Honolulu, Hawai'i, October 18, 2013.

On the briefs:

Charles H. Brower
for Plaintiff-Appellant.

Presiding Judge

Diane W. Wong
(Ayabe, Chong, Nishimoto, Sia
& Nakamura)
for Defendant-Appellee.

Associate Judge

Associate Judge