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Supreme Court Invalidates Heightened Evidentiary Standard For Majority-Group Plaintiffs

California Employment Law Update on **July 23, 2025**

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Ames v. Ohio Dep't of Youth Servs., 605 U.S. ___, 145 S. Ct. 1540 (2025)

Marlean Ames, a heterosexual woman, alleged under Title VII that she had been denied a management promotion and demoted based on her sexual orientation. The district court and the Sixth Circuit Court of Appeals granted and affirmed respectively the employer's motion for summary judgment based on plaintiff's failure to show "background circumstances to support the suspicion that the defendant is that unusual employer who discriminates against the majority." Five Circuit Courts of Appeals (not including the Ninth Circuit) applied the "background circumstances rule" to majority-group plaintiffs. In this opinion, the United States Supreme Court unanimously rejected the rule as being inconsistent with Title VII's text and the Supreme Court's case law construing the statute. For his part, Justice Thomas noted in his concurring opinion (joined by Justice Gorsuch) that the Court has never required the shifting-burden analysis of *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973) to be used in the summary judgment context: "[D]istrict courts across the country resolve summary judgment motions by applying the straightforward text of [Fed. R. Civ. P.] 56. In my view, it might behoove courts and litigants to take that same approach in Title VII cases."

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