[Cite as *Martinez v. Cent. State Univ.*, 2025-Ohio-5507.]

**IN THE COURT OF CLAIMS OF OHIO**

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| PEDRO MARTINEZ<br><br>Plaintiff<br><br>v.<br><br>CENTRAL STATE UNIVERSITY<br><br>Defendant | Case No. 2024-00641JD<br><br>Judge Lisa L. Sadler<br>Magistrate Gary Peterson<br><br>DECISION |

**{¶1}** On July 25, 2025, Defendant (CSU) filed a Motion for Summary Judgment pursuant to Civ.R. 56(B). On September 15, 2025, with leave of Court, Plaintiff (Martinez) filed a Response, and Defendant filed a Reply on September 19, 2025. The motion is now before the Court for a non-oral hearing pursuant to Civ.R. 56 and L.C.C.R. 4. For the reasons set forth below, Defendant's Motion for Summary Judgment is GRANTED.

**Standard of Review**

**{¶2}** Civ.R. 56(C) states, in part, as follows:

**{¶3}** "Summary judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence, and written stipulations of fact, if any, timely filed in the action, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. No evidence or stipulation may be considered except as stated in this rule. A summary judgment shall not be rendered unless it appears from the evidence or stipulation, and only from the evidence or stipulation, that reasonable minds can come to but one conclusion and that conclusion is adverse to the party against whom the motion for summary judgment is made, that party being entitled to have the evidence or stipulation construed most strongly in the party's favor." *See also Gilbert v. Summit Cty*., 2004-Ohio-7108, ¶ 6, citing *Temple v. Wean United, Inc.,* 50 Ohio St.2d 317 (1977).

**{¶4}** "The party moving for summary judgment bears the initial burden of informing the trial court of the basis for the motion and identifying those portions of the record that demonstrate the absence of a genuine issue of material fact." *Starner v. Onda*, 2023-Ohio-1955, ¶ 20 (10th Dist.), citing *Dresher v. Burt*, 75 Ohio St.3d 280, 293 (1996). "The moving party does not discharge this initial burden under Civ.R. 56 by simply making conclusory allegations." *Id.* "Rather, the moving party must affirmatively demonstrate by affidavit or other evidence allowed by Civ.R. 56(C) that there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law." *Id.* "Once the moving party discharges its initial burden, summary judgment is appropriate if the non-moving party does not respond, by affidavit or as otherwise provided in Civ.R. 56, with specific facts showing that a genuine issue exists for trial." *Hinton v. Ohio Dept. of Youth Servs.*, 2022-Ohio-4783, ¶ 17 (10th Dist.), citing *Dresher* at 293; *Vahila v. Hall*, 77 Ohio St.3d 421, 430 (1997); Civ.R. 56(E).

**Factual Background**

**{¶5}** In the fall of 2016, CSU, a historically black college, hired Martinez, a Hispanic male, for the position of Interim Provost and Vice President of Academic Affairs. (Martinez Depo. 16:1-3, 27:8-10; Complaint ¶ 7, 18; Johnson Aff. ¶ 9.) In this position, Martinez worked with Marilyn Stepney and Teresa Tweedie, two African American employees in administrative roles at the CSU Office of Academic Affairs. (Martinez Depo. 62:3-21; Tweedie Aff. ¶ 1-2; Stepney Aff. ¶ 1-2.) At some point during the working relationship between Stepney and Martinez, Stepney "would allude to the fact that Hispanic people are always late, mañana people." (Martinez Depo. 59:21-24.) In July 2020, the newly hired CSU president, Jack Thomas, informed Martinez that he "was not going to be part of his team" and would no longer serve as Provost and Vice President, at which time Martinez became a professor of education at CSU. (Martinez Depo. 24:8-22.) Martinez held this position until CSU dismissed him in September 2023. (Martinez Depo. 31:11-21.)

**{¶6}** In early April 2023, Martinez commented on a LinkedIn post which contained a GIF of a number of primates resting in water; the comment said "[t]his reminds me of the Office of Academic Affairs at Central State University". (Martinez Depo. 44-46,

Exh. D.) On April 7, 2023, Erik Brooks—the then Provost and Vice President for Academic Affairs at CSU, and an African American—received a text message from another CSU employee with a screenshot of Martinez's comment on the LinkedIn post. (Brooks Aff. ¶ 1-2, 5.) Brooks found the comment offensive. (Brooks Aff. ¶ 6.) Brooks shared the screenshot with Marilyn Stepney and Teresa Tweedie. (Brooks Aff. ¶ 7.) Tweedie found the comment offensive, disappointing, and degrading. (Tweedie Aff. ¶ 8.) Similarly, Stepney found the comment racist, demeaning, and discriminating. (Stepney Aff. ¶ 7.)

**{¶7}** On April 10, 2023, Brooks called Pamela Bowman—Director of Human Resources at CSU and an African American—with concerns about Martinez's comment. (Bowman Aff. ¶ 1-2, 4.) On April 14, 2023, Tweedie and Stepney called Bowman to complain about Martinez's LinkedIn comment. (Bowman Aff. ¶ 5.) On the same day, Bowman placed Martinez on paid administrative leave and informed Martinez that CSU would conduct an investigation into his LinkedIn comment. (Bowman Aff. ¶ 6; Exh. D; Martinez Depo. 67:2-9.) Later in April, Brooks, Stepney, and Tweedie filed formal complaints regarding the LinkedIn comment. (Bowman Aff. ¶ 8-10; Exh. P; Martinez Depo. 49:7-10.)

**{¶8}** On May 3, 2023, Martinez met with Bowman to discuss the complaints; counsel for both parties and a union representative were present. (Martinez Depo. 98:4-13; Bowman Aff. ¶ 13.) On May 17, 2023, after completing an investigation, Bowman recommended that CSU terminate Martinez's employment for violating CSU's discrimination policy. (Bowman Aff. ¶ 15-16; Exh. F, S.) On the same day, Lillian Drakeford—the Interim Dean of the College of Education at CSU and an African American—notified Bowman that she agreed with Bowman's recommendation. (Drakeford Aff. ¶ 3, 8; Exh. O.) The matter was sent to an ad hoc committee convened under Article 17 of the AAUP-CSU Agreement (CBA) to review the recommended disciplinary action. (Drakeford Aff. ¶ 9.)

**{¶9}** The committee sent its findings and recommendation to the then Interim President of CSU, Alex Johnson, an African American. (Johnson Aff. ¶ 1-2, 10.) The committee found that the investigation contained no evidence to determine the intent behind Martinez's comment. (Johnson Aff. ¶ 10-11; Exh. I.) The committee

recommended "that any discipline sanctioned go no higher than . . . 'A formal reprimand of the Faculty Member, and that a copy of the reprimand be placed in the Faculty Member's personnel file'." (Exh. I.) Although Johnson reviewed the memo from the committee and the memo from Bowman recommending termination before making a recommendation to the Chair (the Chair) of the CSU Board of Trustees (the BOT), "[t]he decision to recommend Dr. Martinez be terminated was [his] alone." (Johnson Aff. ¶ 10, 13.) Johnson disagreed with the committee's conclusion and found that Martinez's comment violated CSU's anti-discrimination policy found in the CBA. (Johnson Aff. ¶ 11.) Johnson found that Martinez's "actions demonstrated poor judgment" and his "comments were insensitive". (Johnson Aff. ¶ 11.) On August 15, 2023, Johnson sent a letter to the Chair recommending that Martinez be terminated, which the BOT adopted. (Johnson Aff. ¶ 15; Exhs. J, K.) BOT Resolution 2023-33 affirmed Johnson's recommendation to terminate Martinez's employment in September 2023. (Johnson Aff. ¶ 15; Exhs. J, K.)

**{¶10}** Martinez commenced this action against CSU asserting claims of national origin discrimination and age discrimination. Plaintiff seeks damages in excess of $300,000.

**Law and Analysis**

**{¶11}** Defendant argues that it is entitled to judgment as a matter of law because (1) there is no direct evidence of discrimination, (2) Plaintiff cannot establish a prima facie case of discrimination based on national origin or age, and (3) there is no evidence that termination for violation of anti-discrimination policy was pretext for discrimination. In his response to Defendant's Motion for Summary Judgment, Plaintiff acknowledged that there is not sufficient information in the record to support his age discrimination claim. Therefore, the Court finds no genuine issues of material fact related to age discrimination, and Defendant is entitled to judgment as a matter of law on Plaintiff's claim for age discrimination.

**{¶12}** Pursuant to R.C. 4112.02(A), it is an unlawful practice "[f]or any employer, because of the . . . national origin . . . of any person, . . . to discharge without just cause, . . . to discriminate against that person with respect to . . . any other matter directly or indirectly related to employment." It is well-established that "discrimination actions under

federal and state law each require the same analysis." *See Ray v. Ohio Dept. of Health*, 2018-Ohio-2163, ¶ 22 (10th Dist.), citing *Plumbers & Steamfitters Joint Apprenticeship Commt. v. Ohio Civ. Rights Comm.*, 66 Ohio St.2d 192, 196 (1981); *Little Forest Med. Ctr. v. Ohio Civ. Rights Comm.*, 61 Ohio St.3d 607, 609-610 (1991). Accordingly, "Ohio courts may look to both federal and state courts' statutory interpretations of both federal and state statutes when determining the rights of litigants under state discrimination laws." *Id.*

**{¶13}** "'To prevail in an employment discrimination case, a plaintiff must prove discriminatory intent' and may establish such intent through either direct or indirect methods of proof." *Dautartas v. Abbott Labs.*, 2012-Ohio-1709, ¶ 25 (10th Dist.), quoting *Ricker v. John Deere Ins. Co.*, 133 Ohio App.3d 759, 766 (10th Dist. 1998).

**{¶14}** "[D]irect evidence is that evidence which, if believed, requires the conclusion that unlawful discrimination was at least a motivating factor in the employer's actions." *Jacklyn v. Schering-Plough Healthcare Prods. Sales Corp.*, 176 F.3d 921, 926 (6th Cir.1999). Direct evidence "does not require a factfinder to draw any inferences in order to conclude that the challenged employment action was motivated at least in part by prejudice against members of the protected group." *Johnson v. Kroger Co*., 319 F.3d 858, 865 (6th Cir. 2003). In order for a statement to be evidence of an unlawful employment decision, plaintiff must show a nexus between the improper motive and the decision-making process or personnel. *Birch v. Cuyahoga Cty. Probate Court.*, 2007-Ohio-6189, ¶ 23 (8th Dist.). "Accordingly, courts consider: (1) whether the comments were made by a decision maker; (2) whether the comments were related to the decision making process; (3) whether they were more than vague, isolated or ambiguous; and (4) whether they were proximate in time to the act of alleged discrimination." *Id*. "[S]tray remarks, remarks by non-decision makers, comments that are vague, ambiguous, or isolated, and comments that are not proximate in time to the act of termination" do not constitute direct evidence." *Johnson v. Kroger Co.,* 160 F. Supp.2d 846, 853 (S.D.Ohio 2001), rev'd on other grounds, 319 F.3d 858 (6th Cir. 2003).

**{¶15}** Plaintiff points to several factors that he believes indicate CSU terminated him based on his national origin. (Response p. 8-9.) First, his initial removal from the Interim Provost and Vice President of Academic Affairs positions because he was not

going to be part of the team. Second, the comments made by Stepney about "mañana people". Finally, that everyone involved in the disciplinary process was African American. The Court finds that none of these are direct evidence of discrimination.

**{¶16}** The comments made about Plaintiff not being a part of the team were made in 2020, three years prior to Plaintiff's termination, by the then President Jack Thomas. (Martinez Depo. 24:8-22.) Jack Thomas was not a decision maker in the decision to terminate Plaintiff in 2023, that decision was made by Alex Johnson. (Johnson Aff. ¶ 10, 13.) Further, the comment was not related to the decision to terminate Plaintiff in 2023, but rather in relation to Plaintiff no longer serving as Provost and Vice President. (Martinez Depo. 24:8-22.) The statement is also vague and does not directly refer to national origin.

**{¶17}** Similarly, there is no nexus between Stepney's comments and Plaintiff's termination. Stepney was not involved in the decision to terminate Plaintiff, she merely complained about the LinkedIn comment. (Bowman Aff. ¶ 10; Exh. P; Martinez Depo. 49:7-10.) Stepney's comments were also made three years prior to Plaintiff's termination, and the comments were not the reason for the termination and are thus not evidence of direct discrimination. Finally, the fact that everyone involved in the disciplinary process was African American cannot be direct evidence of discrimination because it requires inferences to be drawn in order to conclude that Plaintiff's termination was motivated by prejudice against people of Hispanic national origin. *See Coulton v. Univ. of Pa*., 237 Fed. Appx. 741, 747 (3rd Cir.2007) (the fact that the decision makers were of a different race is insufficient to permit an inference of discrimination.) Therefore, the Court finds that Plaintiff has failed to present direct evidence of discrimination.

**{¶18}** While Plaintiff does not frame his claims using traditional direct evidence or under the indirect evidence framework in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, (1973) "[c]ourts have recognized that the question facing triers of fact in discrimination cases is both sensitive and difficult, and [t]here will seldom be 'eyewitness' testimony as to the employer's mental processes." *Ohio Univ. v. Ohio Civ. Rights Commn.*, 2008-Ohio-1034, ¶ 67 (4th Dist.) (cleaned up). Therefore, "when analyzing []discrimination claims that rely primarily upon circumstantial evidence, Ohio courts

employ the framework articulated in *McDonnell Douglas Corp. v. Green* (1973), 411 U.S. 792." *Id*.

**{¶19}** "Under *McDonnell Douglas*, a plaintiff must first present evidence from which a reasonable [trier of fact] could conclude that there exists a prima facie case of discrimination." *Turner v. Shahed Ents.*, 2011-Ohio-4654, ¶ 12 (10th Dist.). "In order to establish a prima facie case, a plaintiff must demonstrate that he or she: (1) was a member of the statutorily protected class, (2) suffered an adverse employment action, (3) was qualified for the position, and (4) was replaced by a person outside the protected class or that the employer treated a similarly situated, non-protected person more favorably." *Nelson v. Univ. of Cincinnati*, 2017-Ohio-514, ¶ 33 (10th Dist.). "If the plaintiff meets her initial burden, the burden then shifts to the defendant to offer 'evidence of a legitimate, nondiscriminatory reason for' the adverse action . . . . If the defendant meets its burden, the burden then shifts back to the plaintiff to demonstrate that the defendant's proffered reason was actually a pretext for unlawful discrimination." *Turner* at ¶ 14.

**{¶20}** Defendant argues that Plaintiff has failed to establish a prima facie case because there are no similarly situated employees who were treated more favorably, and Plaintiff was unable to identify any individual(s) that may have replaced him. (Motion p. 11-12.) Plaintiff has not challenged Defendant's argument, and he has put forth no evidence that a similarly situated employee was treated more favorably, nor has he identified any employee who may have replaced him. On that basis alone, the Court may grant summary judgment in favor of Defendant. *Moody v. Ohio Dept. of Rehab. & Corr*., 2021-Ohio-4578, ¶ 33 (10th Dist.) (declining to consider additional steps of the *McDonnell Douglas* framework where the plaintiff failed to establish a prima facie case of national origin discrimination.) Nevertheless, while Plaintiff fails to rebut this argument in his Response, even assuming Plaintiff has established a prima facie case, Defendant put forth evidence of a legitimate, non-discriminatory reason—Plaintiff's LinkedIn comment violated the CBA—for Plaintiff's termination and Plaintiff failed to demonstrate pretext.

**{¶21}** Defendant put forth evidence that Johnson and the BOT determined that Plaintiff's LinkedIn comment was in violation of Defendant's non-discrimination policy. (Johnson Aff. ¶ 11; Exhs. J, K.) To refute Defendant's legitimate justification, Plaintiff must show that Defendant's "proffered reason (1) had no basis in fact, (2) did not actually

motivate the employer's challenged conduct, or (3) was insufficient to warrant the challenged conduct." *Hall v. Ohio State Univ. College of Humanities,* 2012-Ohio-5036, ¶ 27 (10th Dist.). Plaintiff retains the ultimate burden to produce evidence sufficient for the Court to conclude that both Defendant's justification was false, and that discrimination was the real reason. *See id.* at ¶ 35, quoting *St. Mary's Honor Ctr. v. Hicks,* 509 U.S. 502, 515 (1993).

**{¶22}** Plaintiff does not dispute that he made the LinkedIn comment. Rather, Plaintiff contends that the fact that everyone involved in the disciplinary process was African American is evidence of discrimination. (Response p. 9.) Plaintiff's conclusory, subjective belief is not sufficient evidence for this Court to conclude that Defendant terminated Plaintiff because of his national origin. *See Mitchell v. Toledo Hosp.,* 964 F.2d 577, 585 (6th Cir.1992). The mere fact that the adverse decision-makers were of a different race than the employee, however, is insufficient to permit an inference of discrimination. *Bailey v. Walmart*, 2008 U.S. Dist. LEXIS 18087 (D. Del. Mar. 7, 2008). Further, while Plaintiff asserts that his comment was not intended to offend anyone at CSU, the BOT and Johnson determined that the comment violated CSU's nondiscrimination policy. It is not the Court's role to "'second guess the business judgments of an employer making personnel decisions'" absent evidence of illegal discrimination. *Morrissette v. DFS Servs., LLC,* 2013-Ohio-4336, ¶ 40 (10th Dist.) quoting *Manofsky v. Goodyear Tire & Rubber Co*., 69 Ohio App.3d 663, 669 (9th Dist.1990), citing *Brown v. Renter's Choice, Inc.*, 55 F.Supp.2d 788, 795 (N.D.Ohio 1999), quoting *Nix v. WLCY Radio/Rahall Communications*, 738 F.2d 1181, 1187 (11th Cir.1984) ("An employer may make employment decisions 'for a good reason, a bad reason, a reason based on erroneous facts, or for no reason at all, as long as its action is not for a discriminatory reason.'"). Furthermore, it is not for the Court to judge whether an employer made the best or fairest decision, but only to determine whether the decision would not have been made but for discrimination. *See Mittler v. Ohiohealth Corp*., 2013-Ohio-1634, ¶ 52 (10th Dist.), citing *Knepper v. Ohio State Univ.*, 2011-Ohio-6054, ¶ 23 (10th Dist.). While Defendant met its burden to articulate a legitimate, non-discriminatory basis for its action, the Court finds that Plaintiff has not "produced evidence from which a jury could reasonably doubt the employer's explanation." *Chen v. Dow Chem. Co.*, 580

F.3d 394, 400, fn.4 (6th Cir.2009). After viewing the evidence in a light most favorable to Plaintiff, the Court finds Plaintiff failed to meet his burden pursuant to Civ.R. 56(E) to demonstrate a genuine issue remains for trial. Consequently, Defendant is entitled to judgment as a matter of law.

**Conclusion**

**{¶23}** Having reviewed all the evidence in a light most favorable to Plaintiff and applying the standard under Civ.R. 56, the Court finds no genuine issues of material fact remain for trial in this case. For the reasons stated above, the Court finds that Defendant is entitled to judgment as a matter of law on Plaintiff's claims for age and national origin discrimination. Consequently, the Court GRANTS Defendant's motion for summary judgment pursuant to Civ.R. 56.

LISA L. SADLER
Judge

**[Cite as *Martinez v. Cent. State Univ.*, 2025-Ohio-5507.]**

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| PEDRO MARTINEZ<br><br>Plaintiff<br><br>v.<br><br>CENTRAL STATE UNIVERSITY<br><br>Defendant | Case No. 2024-00641JD<br><br>Judge Lisa L. Sadler<br>Magistrate Gary Peterson<br><br>JUDGMENT ENTRY |

**IN THE COURT OF CLAIMS OF OHIO**

**{¶24}** A non-oral hearing was conducted in this case upon Defendant's Motion for Summary Judgment. For the reasons set forth in the decision filed concurrently herewith, the Court concludes that there are no genuine issues of material fact and that Defendant is entitled to judgment as a matter of law. As a result, Defendant's Motion for Summary Judgment is GRANTED, and judgment is rendered in favor of Defendant. All previously scheduled events are VACATED. Court costs are assessed against Plaintiff. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

LISA L. SADLER
Judge

**Filed November 12, 2025**
**Sent to S.C. Reporter 12/11/25**