

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 05-5171

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GWENDOLYN E. MOORER,  
Appellant

vs.

VERIZON COMMUNICATIONS, INC.,  
Appellee

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APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

(D.C. Civ. No. 03-cv-01265)

District Judge: Honorable Joy F. Conti

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Submitted Under Third Circuit L.A.R. 34.1(a)

October 26, 2006

Before: SMITH, WEIS and NYGAARD, Circuit Judges.

Filed: December 6, 2006

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OPINION

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WEIS, Circuit Judge.

Plaintiff is an African-American female who was forty-nine years of age at the time of her discharge from defendant Verizon Services Corporation.<sup>1</sup> She brought a claim alleging unlawful discrimination on the basis of sex and race in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 et seq., and on the basis of age in violation of 29 U.S.C. § 621 et seq. The District Court granted summary judgment for defendant.

The District Court ruled that plaintiff failed to establish a *prima facie* case of race or sex discrimination under McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973) because she did not demonstrate that similarly situated individuals who were not members of the protected class were treated more favorably than she was treated. It also held that she failed to establish a *prima facie* case of age discrimination under the McDonnell Douglas framework because she failed to prove that she was replaced by a sufficiently younger person to create an inference of discrimination.

The District Court further found that, even if she had established a *prima facie* case of discrimination on the basis of race, sex, or age, defendant would still prevail under McDonnell Douglas because plaintiff could not show that the defendant's legitimate, nondiscriminatory reasons for terminating her employment were pretext.

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<sup>1</sup> As the District Court noted, Verizon Communications is improperly identified as defendant in this matter. Defendant was employed by Verizon Services Corporation.

Specifically, plaintiff did not produce adequate evidence to contradict the defendant's assertion that she had failed to meet her sales quota.

We have scrutinized the record in this case, particularly the comprehensive opinion of the District Court. We are persuaded that there was no reversible error in the entry of summary judgment. Plaintiff failed to establish a disputed issue of material fact.

Accordingly, the Judgment of the District Court will be affirmed.