UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-3390

ZUHAL BUTUNER,
Appellant

v.

NOVARTIS PHARMACEUTICALS CORP.

On Appeal from the U.S. District Court, D.N.J.
Judge Esther Salas, No. 2:19-cv-06590

Before: BIBAS, MATEY, and BOVE, *Circuit Judges*
Submitted: Oct. 21, 2026; Filed: Nov. 23, 2026

NONPRECEDENTIAL OPINION*

BOVE, *Circuit Judge*. Plaintiff Zuhal Butuner appeals the District Court's summary-judgment order rejecting her state-law claims concerning whistleblower protection and wrongful termination. We will affirm.

I.

We assume the parties' familiarity with the underlying facts, procedural history, and issues on appeal. Plaintiff started to work for Defendant Novartis Pharmaceuticals Corp. in 2016. Plaintiff's work focused on an eye-care drug. Although the terms of Defendant's offer contemplated that Plaintiff would relocate to New Jersey, Defendant permitted her to work remotely from Canada when she started the job.

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* This disposition is not an opinion of the full Court and, under I.O.P. 5.7, is not binding precedent.

Beginning in late 2017, Plaintiff participated in deliberations about disclosures and corrective measures for data-reporting errors and inflammation rates relating to the drug. Plaintiff expressed concerns about Defendant's plans. Also in 2018, Defendant asked Plaintiff and other employees working on the drug to relocate to the United States or Switzerland. Relying on a purported offer letter from Defendant, Plaintiff refused. Defendant conducted an internal investigation, which concluded that Plaintiff had provided an altered version of the letter. An Internal Review Committee concluded that Plaintiff should be terminated. Defendant fired Plaintiff.

Plaintiff sued Defendant. Plaintiff alleged that Defendant violated New Jersey's whistle-blower statute and wrongfully terminated her under New Jersey common law. The District Court granted summary judgment to Defendant. Plaintiff timely appealed.

II.

The District Court had jurisdiction under 28 U.S.C. § 1332. We have jurisdiction under 28 U.S.C. § 1291. We review the District Court's order granting summary judgment de novo. *Massey v. Borough of Bergenfield*, 169 F.4th 188, 193 (3d Cir. 2026).[1]

III.

In a thorough opinion reflecting careful attention to the evidentiary record, the District Court properly granted summary judgment to Defendant.

[1] Unless otherwise indicated, case quotations omit all internal citations, quotation marks, footnotes, alterations, and subsequent history.

Plaintiff's whistleblower claim failed because New Jersey law required Plaintiff to establish that "she reasonably believed that . . . her employer's conduct was violating either a law, rule, or regulation promulgated pursuant to law, or a clear mandate of public policy." *Lippman v. Ethicon, Inc.*, 119 A.3d 215, 226 (N.J. 2015); *see also* N.J. Stat. Ann. § 34:19-3. The District Court was correct that none of the concerns that Plaintiff raised regarding Defendant's handling of the two specific issues that arose during the drug's development fit within the categories specified by New Jersey's statute. We also agree with the District Court that the record lacked sufficient evidence to establish a factual dispute regarding whether Plaintiff's expression of concerns about the two issues rose to the level of protected whistle-blowing activity.

Plaintiff's wrongful-termination claim lacked adequate legal and evidentiary support. In general, Plaintiff's at-will employment relationship meant that she could be fired "for any reason." *D'Agostino v. Johnson & Johnson, Inc.*, 628 A.2d 305, 311 (N.J. 1993). New Jersey recognizes an exception to that rule if the termination was based on "the employee's compliance with an expressly stated 'clear mandate of public policy.'" *Zanetich v. Wal-Mart Stores E., Inc.*, 123 F.4th 128, 147 (3d Cir. 2024) (quoting *Pierce v. Ortho Pharmaceutical Corp.*, 417 A.2d 505, 512 (N.J. 1980)). As the District Court explained, Plaintiff's efforts to invoke the *Pierce* exception rested on contrived and inaccurate arguments about federal immigration law and her circumstances in Canada. Accordingly, we will affirm.