

PUBLIC JUSTICE E-LERT

AMERICA'S PUBLIC INTEREST LAW FIRM

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Whistleblowers keep the powers that be in check. But if their claims are automatically thrown out, how can wrongs perpetrated by government or big business be righted?

I wanted you to know that, as part of our [Iqbal Project](#), we just challenged the improper dismissal of *Rhodes v. R+L Carriers* before the U.S. Court of Appeals for the Sixth Circuit, arguing that a whistleblower who was fired after objecting to blatant discrimination is entitled to his day in court.



This case centers around Eugene Rhodes, who was recruited by R+L Carriers, an Ohio-based shipping company, to be its new Senior Director of Human Resources. Mr. Rhodes accepted the position, left his prior job and joined R+L in 2009.

In his federal-court complaint, Mr. Rhodes alleges that once on board at R&L he found a number of discriminatory and illegal practices: refusal to hire women for certain jobs, lower pay for women, tolerated sexual harassment, discrimination against older and disabled applicants, and retaliation against employees who took family or medical leave.

Mr. Rhodes also contends that when he objected to the discrimination he'd seen, he was told that R+L would not change because the company "had never had to write a big enough check" to make complying with anti-discrimination laws worth the trouble, and was promptly fired. Mr. Rhodes was in his late 50s at the time.

In April, 2010, he filed a lawsuit alleging that he was illegally retaliated against and fired on the basis of his age. The district court dismissed all of Mr. Rhodes's claims based on a misinterpretation of the pleading standard announced in *Ashcroft v. Iqbal* -- that, in order to survive dismissal, a complaint must state a claim that is "plausible on its face." In our opening brief, we explain that the district court erred in dismissing Mr. Rhodes's clearly plausible and common sense claim, effectively requiring him to prove his case on the pleadings, disregarding well-pled factual allegations, and imposing a specificity requirement contrary to *Iqbal* and controlling law.

To read our brief, [click here](#). Our co-counsel in the case are Jon Allison and Randolph Freking of [Freking & Betz, LLC](#) in Cincinnati, Ohio.

Thanks to Public Justice's [Claire Prestel](#) for her great work on this brief, with help from [Senior Attorney Paul Bland](#) and [Brayton-Thornton Attorney Melanie Hirsch](#). And thank you for helping make this important appeal and our *Iqbal* Project possible. Together, we must preserve access to

justice for all.