

06-1221 SPRINT/UNITED MANAGEMENT CO. V. MENDELSON

DECISION BELOW:466 F3d 1223

LOWER COURT CASE NUMBER: 05-3150

QUESTIONS PRESENTED:

This case presents a recurring question of proof in employment discrimination cases: whether a district court must admit “me, too” evidence - testimony, by nonparties, alleging discrimination at the hands of persons who played no role in the adverse employment decision challenged by the plaintiff.

The Tenth Circuit panel majority held that a court commits reversible error by excluding “me, too” evidence. This decision conflicts with those of other circuits. Specifically, four circuits have held “me, too” evidence wholly irrelevant. Five circuits have held that “me, too” evidence may be excluded under Federal Rule of Evidence 403. Granting certiorari will resolve the conflict between the circuit courts of appeals on this important question of law.

CERT. GRANTED 6/11/2007