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## ADA claim allows chance to review federal evidentiary standards, use

On Dec. 4, in *Stegall v. Saul*, 943 F.3d 1124 (7th Cir. 2019), the 7th U.S. Circuit Court of Appeals issued an opinion that provides a useful refresher as to federal evidentiary standards in cases filed under the Americans with Disabilities Act and the importance of preserving issues for appeal.

Risa Stegall applied and interviewed for employment at the Social Security Administration in 2010. Stegall says that she received an offer of employment at the end of her interview, after which she disclosed to the agency her physical and mental disabilities. According to Stegall, the agency rescinded its offer of employment based on her alleged disabilities.

In opposition, the agency argued that it never extends offers of employment during interviews and claimed that Stegall did not receive the position because the agency determined as a result of Stegall's answers in the job interview that she was not motivated for public service.

After exhausting her administrative remedies, Stegall filed a complaint against the agency in the U.S. District Court for the Northern District of Illinois alleging, among other things, that she suffered discrimination under the ADA based on her physical disability. This claim proceeded to trial.

At trial, the jury found that Stegall had a disability and that the agency failed to hire her. Nonetheless, the jury also found that Stegall would not have been hired even without her physical disability. As such, the jury entered a verdict in favor of the agency on Stegall's ADA claim.

On appeal to the 7th Circuit, Stegall first argued that the jury verdict was against the manifest weight of the evidence.

In considering this argument, the court stressed the importance of preserving the record through post-trial motions and reiterated that failure to do so could result in a jury verdict: "A party must move for judgment as a matter of law under Federal Rule of Civil Procedure 50(a) and renew the motion under Rule 50(b) after the jury's



**JOSEPH M. GAGLIARDO and DARIN WILLIAMS**

*JOSEPH M. GAGLIARDO and DARIN WILLIAMS are lawyers at Laner Muchin Ltd.*

verdict if the party wishes to preserve a sufficiency of the evidence challenge to a civil verdict. ... Failure to file a post-verdict motion constitutes a waiver of sufficiency of the evidence challenges." (Citation omitted.)

Despite Stegall's claim that the jury verdict was against the manifest weight of the evidence and her request for a new trial, Stegall had not filed any post-trial motions. Accordingly the 7th Circuit determined that Stegall "waived any sufficiency of the evidence challenges."

Stegall also argued that the U.S. District Court abused its discretion in denying two motions in limine and allowing certain evidence to be admitted. Specifically, Stegall objected to admittance of (1) her job application to a different employer in 2015, in which Stegall stated she did not have a disability; and (2) evidence that the applicant the agency hired instead of Stegall also had a disability.

According to the 7th Circuit, a jury verdict will only be disturbed based on an error in admitting evidence if "required by justice." Furthermore, "[a]n evidentiary ruling is reversible only if it also affects a party's substantial rights."

Relying on Federal Rules of Evidence 401 and 403, the court determined that the district court did not abuse its discretion in denying the two motions in limine because

the evidence was relevant and its relevance was not outweighed by the danger of unfair prejudice.

As to Stegall's 2015 job application to a different employer, Stegall denied in the application that she had a disability or any physical limitations.

In connection with this application, Stegall also underwent a physical examination that led the examining physician's assistant to conclude that Stegall had no limiting conditions.

The 7th Circuit determined that these records were properly admitted by the district court under the "standard relevancy analysis" because "subsequent medical evidence is relevant regarding the question 'of a claimant's condition during that period.'" (Citation omitted.)

According to the appeals court, "[b]oth the application and the medical professional's opinion that Stegall had no physical limitations bear on whether Stegall was disabled five years earlier."

As to the agency's evidence that the applicant it hired instead of Stegall also had a disability, the 7th Circuit noted that "Stegall's claim rests on discriminatory intent based on disability and the SSA is entitled to present relevant evidence to rebut this claim. [T]he hired applicant's disability status ... bears on the weight of the evidence and is satisfied by the broad relevancy standard."

Moreover, the ruling did not affect the outcome of the trial because the jury also heard evidence that the hired applicant was better qualified than Stegall and performed better in her interview for the position. As such, the 7th Circuit concluded that "[r]egardless of the hired applicant's disability, the record remains remiss as to the SSA's discriminatory intent."

In sum, *Stegall v. Saul* details the breadth of the relevance analysis under the Federal Rules of Evidence and highlights the potentially decisive result when issues are not appropriately preserved for appeal under the Federal Rules of Civil Procedure.