

7-20-1995

Mardell v Harleysville Life Ins Co

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1995 WL 429103

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Mardell v. Harleysville Life Ins. Co., 65 F.3d 1072 (1995)

68 Fair Empl.Prac.Cas. (BNA) 481, 66 Empl. Prac. Dec. P 43,681



KeyCite Yellow Flag - Negative Treatment

Distinguished by [Conference of Presidents of Major Italian American Organizations, Inc. v. City of Philadelphia](#), E.D.Pa., January 12, 2022

65 F.3d 1072

United States Court of Appeals, Third Circuit.

Nancy MARDELL, Appellant

v.

HARLEYSVILLE LIFE INSURANCE
COMPANY, a Pennsylvania Corporation.

No. 93-3258.

|

July 20, 1995.

Synopsis

The United States District Court for the Western District of Pennsylvania, Barron P. McCune, J., [854 F.Supp. 378](#), granted employer's motion for summary judgment in Title VII case, and appeal was taken. The Court of Appeals, [Becker](#), Circuit Judge, [31 F.3d 1221](#), vacated and remanded, and petition for writ of certiorari was granted. The United States Supreme Court, [514 U.S. 1034](#), [115 S.Ct. 1397](#), [131 L.Ed.2d 286](#), vacated judgment and remanded case. The Court of Appeals held that, if employer proved that it would have terminated worker's employment for the reason revealed by the after-acquired evidence, backpay would run from discharge to time that wrongdoing was discovered.

Remanded.

West Headnotes (5)

[1] Federal Civil Procedure **Damages**

[170A](#) Federal Civil Procedure

[170AXV](#) Trial

[170AXV\(A\)](#) In General

[170Ak1959](#) Separate Trial of Particular Issues

[170Ak1961](#) Damages

While bifurcation may sometimes be advisable as vehicle to insure that after-acquired evidence not be improperly used during liability phase

of Title VII case, in other cases cautionary instructions or stipulations may render it unnecessary. Civil Rights Act of 1964, § 701 et seq., [42 U.S.C.A. § 2000e](#) et seq.

6 Cases that cite this headnote

[2] Civil Rights **Back Pay or Lost Earnings**

[78](#) Civil Rights

[78IV](#) Remedies Under Federal Employment
Discrimination Statutes

[78k1569](#) Monetary Relief; Restitution

[78k1571](#) Back Pay or Lost Earnings
(Formerly 78k401)

If employer proved that it would have terminated Title VII plaintiff's employment for the reason revealed by the after-acquired evidence, backpay would run from the discharge to the time that the wrongdoing was discovered, although truly exceptional circumstances might be considered in fashioning appropriate relief. Civil Rights Act of 1964, § 701 et seq., [42 U.S.C.A. § 2000e](#) et seq.

21 Cases that cite this headnote

[3] Civil Rights **Presumptions, Inferences, and Burden of Proof**

[78](#) Civil Rights

[78IV](#) Remedies Under Federal Employment
Discrimination Statutes


[78k1534](#) Presumptions, Inferences, and Burden of
Proof

[78k1535](#) In General
(Formerly 78k377.1)

Employer who, during discovery, learned that employee had misrepresented certain background information on her resume and job application bore burden of proof on the resume fraud issue during the remedies phase of Title VII case. Civil Rights Act of 1964, § 701 et seq., [42 U.S.C.A. § 2000e](#) et seq.


8 Cases that cite this headnote

[4] **Civil Rights**  Constitutional and Statutory Provisions

Civil Rights  Practices Prohibited or Required in General; Elements

78 Civil Rights
78II Employment Practices
78k1102 Constitutional and Statutory Provisions
78k1103 In General
(Formerly 78k141)


78 Civil Rights
78II Employment Practices
78k1199 Age Discrimination
78k1201 Practices Prohibited or Required in General; Elements
(Formerly 78k168.1)

Protections of Title VII and ADEA are grounded not in a plaintiff's "right" to particular job, but in federal proscription of discrimination in employment. Age Discrimination in Employment Act of 1967, § 2 et seq., 29 U.S.C.A. § 621 et seq.; Civil Rights Act of 1964, § 701 et seq.,  42 U.S.C.A. § 2000e et seq.

1 Cases that cite this headnote

[5] **Civil Rights**  Relief

78 Civil Rights
78IV Remedies Under Federal Employment Discrimination Statutes
78k1559 Relief
78k1560 In General
(Formerly 78k391.1)

One purpose of Title VII is to make persons whole for injuries suffered on account of unlawful employment discrimination. Civil Rights Act of 1964, § 701 et seq.,  42 U.S.C.A. § 2000e et seq.

3 Cases that cite this headnote

All Citations

65 F.3d 1072, 68 Fair Empl.Prac.Cas. (BNA) 481, 66 Empl. Prac. Dec. P 43,681