

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHELE O'ROURKE : CIVIL ACTION  
: :  
v. : :  
: :  
NORTHTEC INC. : NO. 04-03593-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

April 12, 2005

Plaintiff's complaint sets forth three causes of action: (I) wrongful discharge for racial reasons, in violation of Title VII of the Civil Rights Act; (ii) racial discrimination in violation of 42 U.S.C. § 1981; and (iii) intentional discrimination in violation of 42 U.S.C. § 1981(a). Defendant has filed a motion to dismiss the third count. I agree that, in the context of this case, § 1981(a) does not give rise to a separate cause of action, but merely authorizes certain forms of relief in cases of intentional discrimination. But I see no need to dismiss that count, merely because its inclusion was unnecessary.

There are other problems with plaintiff's complaint, not alluded to in the defendant's motion or supporting brief. The principal thrust of plaintiff's complaint is to the effect that, when plaintiff, a Caucasian, became involved in a minor confrontation with an African American employee, management sided with the African American employee, and used plaintiff's conduct

on that occasion as a pretext for discharging her from employment. But the complaint includes puzzling references to the Age Discrimination in Employment Act and the Americans With Disabilities Act (paragraph 10), and plaintiff's "federally-protected right to be free from employment discrimination based on her disability" (paragraph 44). If, indeed, plaintiff intends to pursue any claims based on her age or disability (if any), she will be required to file an amended complaint within 20 days. Absent such a filing, the references to age and disability will be disregarded.

An Order follows.

