

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

GINA L. WATSON,	:	APPEAL NO. C-190216
Plaintiff-Appellant,	:	TRIAL NO. A-1801182
vs.	:	<i>JUDGMENT ENTRY.</i>
OMNI MEDICAL TRANSPORTS, LLC,	:	
Defendant-Appellee.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. See Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Plaintiff-appellant Gina L. Watson appeals the judgment of the Hamilton County Common Pleas Court granting a directed verdict in favor of her former employer, defendant-appellee Omni Medical Transports, LLC, (“Omni”), on Watson’s claims of age, color, and sex discrimination.

Omni hired Watson as a paramedic in March 2017. Omni terminated her employment in August 2017 for various reasons, including speeding and erratic driving, confrontations with coworkers, and complaints from hospitals that she had been found in their squad rooms even when she was not transporting patients. Watson filed a complaint against Omni, alleging that her termination had been based upon her age, color, and sex. The case proceeded to a jury trial. At the conclusion of all the evidence, the trial court granted Omni’s motion for a directed verdict. This appeal followed.

In four related assignments of error, Watson argues that the trial court erred by granting a directed verdict in favor of Omni. A court's decision to grant or deny a motion for a directed verdict under Civ.R. 50(A)(4) is a question of law that we review de novo. *Rieger v. Giant Eagle, Inc.*, 157 Ohio St.3d 512, 2019-Ohio-3745, 138 N.E.3d 1121, ¶ 8. A motion for a directed verdict should be granted when, after construing the evidence most strongly in favor of the party against whom the motion is directed, the court finds that reasonable minds could come to but one conclusion upon the evidence submitted and that conclusion is adverse to such party. Civ.R. 50(A)(4); *White v. Leimbach*, 131 Ohio St.3d 21, 2011-Ohio-6238, 959 N.E.2d 1033, ¶ 22. Before a court grants a motion for a directed verdict, it must determine whether any evidence of substantive probative value exists that favors the nonmoving party. *Rieger* at ¶ 9. Thus, although a motion for a directed verdict does not present a question of fact, the court must review and consider the evidence. *Id.*, citing *Ruta v. Breckenridge-Remy Co.*, 69 Ohio St.2d 66, 68, 430 N.E.2d 935 (1982). To avoid a directed verdict in a discrimination claim, the plaintiff must establish a prima facie case of discrimination. *Williams v. Akron*, 107 Ohio St.3d 203, 2005-Ohio-6268, 837 N.E.2d 1169, ¶ 25.

A plaintiff may establish a prima facie case of discrimination by presenting evidence to show that an employer more likely than not was motivated by discriminatory intent. *Mauzy v. Kelly Servs., Inc.*, 75 Ohio St.3d 578, 664 N.E.2d 1272 (1996), paragraph one of the syllabus. A plaintiff may show an employer's discriminatory intent by direct evidence, or by showing that (1) she was a member of a protected class, (2) she was discharged, (3) she was qualified for the position, and (4) comparable, nonprotected persons received more favorable treatment. *See McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802, 93 S.Ct. 1817, 36 L.Ed.2d 668 (1973); *Coryell v. Bank One Trust Co., N.A.*, 101 Ohio St.3d 175, 2004-Ohio-723, 803 N.E.2d 781, ¶ 20.

Watson has provided for our review only a partial transcript of the proceedings before the trial court, which consists of the exhibits she introduced at trial, the cross-examination of Watson by defense counsel, and her redirect testimony. Neither Watson's exhibits nor her testimony established direct evidence of discriminatory intent. And the record presented to us shows no evidence that a similarly situated person from a nonprotected class was treated more favorably. Thus, construing the evidence most strongly in Watson's favor, reasonable minds could only conclude that she failed to establish a prima facie case of discrimination.

Since Watson has not provided us with her direct examination, if any, or any evidence other than the exhibits that she presented at trial, we must conclude that the trial court did not err in finding that she failed to present a prima facie case of discrimination. *See Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199, 400 N.E.2d 384 (1980) ("When portions of the transcript necessary to resolve an assigned error are omitted from the record, a reviewing court must presume the validity of the lower court's proceedings"). Therefore, we hold that the trial court did not err by granting a directed verdict in favor of Omni. We overrule the assignments of error and affirm the trial court's judgment.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

ZAYAS, P.J., MYERS and BERGERON, JJ.

To the clerk:

Enter upon the journal of the court on June 30, 2020
per order of the court _____.
Presiding Judge