

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT  
CIVIL APPEAL STATEMENT OF PARTIES AND ISSUES**

Case No: 16-2424 Case Manager: \_\_\_\_\_

Case Name: Equal Employment Opportunity Commission v. R.G. & G.R. Harris Funeral Homes, Inc.

Is this case a cross appeal?  Yes  No

Has this case or a related one been before this court previously?  Yes  No

If yes, state:

Case Name: \_\_\_\_\_ Citation: \_\_\_\_\_

Was that case mediated through the court's program?  Yes  No

**Please Identify the Parties Against Whom this Appeal is Being Taken and the Specific Issues You Propose to Raise:**

The EEOC brought this enforcement against R.G. & G.R. Harris Funeral Homes, Inc. alleging that it discriminated based on sex in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-5, when it terminated the charging party, who is a transgender woman, after she disclosed her intention to present at work as a woman in appropriate business attire. The EEOC also alleged that the defendant's clothing-allowance policy discriminated based on sex. The issues for appeal are: (1) whether the court erred in ruling as to the termination claim that the EEOC failed to state a claim for which relief could be granted where the EEOC alleged discrimination based on transgender status and transitioning from male to female; (2) whether the court erred in granting summary judgment on the EEOC's termination claim based on sex stereotyping on the ground that the Religious Freedom Restoration Act exempted the defendant; and (3) whether the court erred in granting summary judgment on the EEOC's discriminatory-clothing allowance claim on the ground that it did not fall within an investigation that could reasonably be expected to grow out of the charge of discrimination.

This is to certify that a copy of this statement was served on opposing counsel of record this 21 day of

October, 2016.

Anne Noel Occhialino

Name of Counsel for Appellant