

Code Art. 3499 (West 1996). Thus, plaintiffs' claims have not prescribed.

Accordingly,

IT IS ORDERED that defendants' motion for summary judgment is GRANTED regarding § 301 preemption of plaintiffs' state law claims. Defendants' motion for summary judgment is DENIED regarding prescription of plaintiffs' § 301 claims.



Dr. Carl BERNOFSKY

v.

TULANE UNIVERSITY MEDICAL
SCHOOL

Civil Action No. 95-358.

United States District Court,
E.D. Louisiana.

April 15, 1997.

Former research professor at medical school asserted race and age discrimination and state law claims in connection with denial of tenure and ultimate **termination for failure to obtain grant funding**. On motion of university for summary judgment, the District Court, Berrigan, J., held that: (1) professor, who was Jewish and was 61 at time of termination, and who was hired in nontenure track research position, failed to show race or age discrimination in denial of tenure or in termination; (2) professor failed to show retaliatory discharge; (3) professor had no contractual entitlement to tenure; (4) professor failed to show justifiable reliance; and (5) professor failed to show entitlement to recovery under Louisiana environmental statutes in the flooding of his laboratory.

Motion granted.

1. Civil Rights ⇌144

Master and Servant ⇌30(6.10)

Right to make contracts under § 1981 does not protect employee from any conduct by employer after contractual relationship has begun, and § 1981 does not extend to discriminatory discharge claims or retaliatory discharge claims. 42 U.S.C.A. § 1981.

2. Civil Rights ⇌116

Right to enforce contracts under § 1981 involves right of access to legal process. 42 U.S.C.A. § 1981.

3. Civil Rights ⇌142, 171

Jewish research professor allegedly promised tenure by department chair at about age 55 failed to show race or age discrimination in denial of tenure; as research professor, he was not on tenure track, seven-year limit for conversion to tenure track had passed, another research professor for whom exception to seven-year rule was made had previously been on tenure track, and fact that new department chair was of Lebanese lineage was insufficient proof of discriminatory intent. Age Discrimination in Employment Act of 1967, § 2 et seq., 29 U.S.C.A. § 621 et seq.; 42 U.S.C.A. § 1981; LSA-R.S. 23:972 et seq.

4. Master and Servant ⇌30(6.10)

Employee has engaged in "protected activity" for purposes of retaliation claim if he has either opposed any practice made unlawful employment practice or made charge, testified, assisted or participated in any manner in investigation, proceeding or hearing under antidiscrimination statute, and plaintiff must show that he had at least reasonable belief that opposed practices were unlawful. Age Discrimination in Employment Act of 1967, § 2 et seq., 29 U.S.C.A. § 621 et seq.; 42 U.S.C.A. § 1981; Civil Rights Act of 1964, § 701 et seq., 42 U.S.C.A. § 2000e et seq.

See publication Words and Phrases for other judicial constructions and definitions.

5. Civil Rights ⇌142, 171

Colleges and Universities ⇌8.1(2)

Research professor failed to show retaliation, harassment, interference or retaliatory discharge grounded on race or age discrimi-