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Another Pregnancy Discrimination / Computer Fraud and Abuse Act Case?

That's right, we have another one!

Do you recall *Lee v. PMSI, Inc.*—the case that burned up the blogs and Twitter feeds last week because it involved Facebook? You remember, the case in which the court found that an employee's using Facebook and checking personal email at work was not a violation of the [Computer Fraud and Abuse Act](#) (“CFAA”)?

Wait a minute—you **ARE** one of the 4 people reading my blog regularly, aren't you??? (If not go read this: [Facebooking at Work Does Not Violate Computer Fraud and Abuse Act](#))

Shame on you. Do you know what this is doing for my self esteem?

Well anyway, where was I? Oh, ok ...

A case that was handed down on May 17, 2011 that also involved both a pregnancy discrimination claim and a Computer Fraud and Abuse Act claim, though in a different context than *Lee v. PMSI, Inc.* The case is *Co. Ltd.*, 2011 WL 1883113 (W.D.N.C. May 17, 2011) and the facts are fairly straightforward and are as follows:

The employee believed the company was discriminating against her because she had taken maternity leave. She decided to investigate into the matter by using her company laptop and managerial-level access to access personnel data in the company database—purportedly in violation of company policy. She used the information to compile an analysis that she presented to the company to show the pattern of discriminatory conduct. Apparently the company didn't see the injustice in this. Instead, upon learning of her accessing the off-limits data, it fired her for violating the company policy by accessing the data.

Plaintiff then sued the employer for pregnancy discrimination, among other things. The company, understanding that the best defense is a good offense, filed a counter claim against the Plaintiff for violating the Computer Fraud and Abuse Act by using her company laptop to access the prohibited database in violation of company policy.

Both parties moved for summary judgment on each others' affirmative claims. The Court denied Plaintiff's MSJ on the employer's CFAA claim “[b]ecause the issue of whether **Plaintiff exceeded her authorized access to the compensation data remains a disputed fact to be resolved by the jury, . . .**” That was the extent of the court's analysis of the CFAA claim.

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