

Title VII makes it unlawful for an “employer” to “refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.” See 42 U.S.C. § 2000e-2(a)(1). Thus, the individual defendants are subject to liability under Title VII only if, at the time of the alleged discrimination, they meet the statutory definition of “employer,” to wit: “a person engaged in an industry affecting commerce who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year.” See *Walters v. Metropolitan Educational Enterprises, Inc.*, 519 U.S. 202, 205 (1997) (quoting 42 U.S.C. § 2000e(b)).

It is well settled in the Tenth Circuit that individuals are not “employers” for purposes of Title VII, *Haynes v. Williams*, 88 F.3d 898, 901 (10th Cir. 1996) (Title VII liability is appropriately borne by employers, not individual supervisors). Moreover, the Tenth Circuit has expressly held that in a Title VII case against the United States Postal Service, the only proper defendant is the head of the agency, the United States Postmaster General. See *Brezovski v. United States Postal Service*, 905 F.2d 334, 335 (10th Cir. 1990) (citing 42 U.S.C. § 2000e-16(c)). Simply put, *Haynes* and *Brezovski* mandate the dismissal of plaintiff’s claims against all individual defendants in this case, except John E. Potter.

IT IS THEREFORE ORDERED BY THE COURT THAT the individual defendants’

merits of the arguments contained therein.

motion to dismiss (doc. #7) is granted and plaintiff's complaint against these individuals is dismissed with prejudice.

IT IS SO ORDERED.

Dated this 14th day of November, 2005, at Kansas City, Kansas.

s/ John W. Lungstrum _____

John W. Lungstrum

United States District Judge