

NOV 13 2003
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J.A. KRS
U.S. DISTRICT COURT
ORLANDO, FLORIDA

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

-vs-

Case No. 6:01-cv-1133-Orl-28KRS

K-MART CORPORATION,

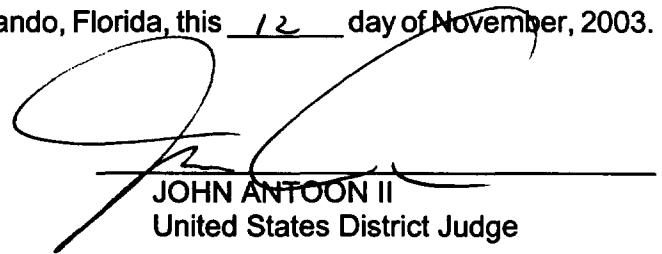
Defendant.

ORDER


This cause came on for consideration without oral argument on Kmart's Motion to Dismiss and/or Motion for Summary Judgment as to the Equal Employment Opportunity Commission's Claims Against Kmart (Doc. No. 40, filed August 25, 2003). Upon review of this motion and Plaintiff, United States Equal Employment Opportunity Commission's, Response to Defendant's Motion to Dismiss and/or Motion for Summary Judgment as to the Equal Employment Opportunity Commission's Claims Against Kmart (Doc. No. 48, filed September 12, 2003), it is **ORDERED** that:

Kmart's Motion to Dismiss and/or Motion for Summary Judgment as to the Equal Employment Opportunity Commission's Claims Against Kmart (Doc. No. 40) is **DENIED**.

DONE and ORDERED in Chambers, Orlando, Florida, this 12 day of November, 2003.



JOHN ANTOON II
United States District Judge

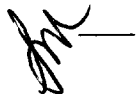
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Counsel of Record
Any Unrepresented Party

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F I L E C O P Y

Date Printed: 11/13/2003

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6:01-cv-01133 jrm

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