

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

CIVIL ACTION

VERSUS

NO: 05-0173

ADVANCE AUTO PARTS, INC.

SECTION: "S" (5)

ORDER AND REASONS

IT IS HEREBY ORDERED that Defendant, Advance Auto Parts, Inc.'s Motion for Summary Judgment is **DENIED**. (Document #64).

Sarah Harris' cause of action for retaliatory discharge is properly before the court based on ancillary jurisdiction growing out of the administrative charges. Gupta v. East Texas State University, 654 F.2d 411 (5th Cir. 1981).

As to all other issues raised in Defendant's Motion for Summary Judgment, disputed issues of material fact make summary judgment inappropriate.

Plaintiff, Equal Employment Opportunity Commission's Motion for Partial Summary Judgment is **DENIED**. (Document #69). Disputed issues of material fact make summary judgment

inappropriate.

New Orleans, Louisiana, this 28th day of August, 2006.



MARY ANN VIAL LEMMON
UNITED STATES DISTRICT JUDGE