

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.) 1:05CV00744
)
GREAT STEAKS, INC.,)
)
Defendant.)

ORDER

BEATY, Chief District Judge.

On April 29, 2008, the United States Magistrate Judge's Recommendation [Document #54] was filed and notice was served on the parties pursuant to 28 U.S.C. § 636(b). Defendant subsequently filed timely Objections to the Recommendation. The Court has now reviewed the Objections and the portions of the Recommendation to which objection was made, and has made a de novo determination in accord with the substance of the United States Magistrate Judge's rulings. In addition, the Court notes that Defendant has filed a Request for Oral Argument [Document #58]. However, the Court has thoroughly reviewed the Recommendation, the Objections, the Response to the Objections, and the record, and has determined that oral argument in this matter is neither warranted nor necessary for determination of this matter. The Magistrate Judge's Recommendation [Document #54] is therefore affirmed and adopted and Defendant's Request for Oral Argument will be denied.

IT IS THEREFORE ORDERED that, for the reasons set forth in the Recommendation, Defendant's Motion for Summary Judgment [Document #34] is DENIED and Plaintiff's

Motion to Strike Reply Affidavit of John Pantazis [Document #47] is GRANTED.¹ IT IS FURTHER ORDERED that Defendant's Request for Oral Argument [Document #58] is DENIED.

This, the 8th day of September, 2008.

/s/Honorable James A. Beaty, Jr.
Chief United States District Judge

¹ With respect to the Motion to Strike, the Court notes that in adopting the Recommendation this Order strikes the Reply Affidavit of John Pantazis only as it pertains to this Court's consideration of Defendant's Motion for Summary Judgment. However, any determination as to admissibility or evidentiary value at trial of the Reply Affidavit is left for consideration at the trial of this matter.