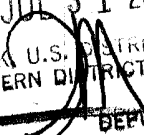


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

JUL 31 2007
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

ALICIA MANSEL,
Plaintiff-Intervenor,

§
§
§
§
§
§
§
§
§

v.

No. SA:05-CV-0965-RF

BUILDERS GYPSUM SUPPLY,
ET AL.
Defendants.

**ORDER DENYING DEFENDANTS' MOTION
FOR PARTIAL SUMMARY JUDGMENT**

BEFORE THE COURT is Defendants' Motion for Partial Summary Judgment (Docket No. 114), filed July 6, 2007, and Plaintiff's Response (Docket No. 117), filed July 18, 2007.¹ Defendants' Motion for Partial Summary Judgment was filed in conjunction with their Response to Plaintiff's Motion for Partial Summary Judgment. As such, the arguments supporting Defendants' request for summary judgment also serve to rebut Plaintiff's request for summary judgment.

The Court already analyzed both Plaintiff's and Defendants' arguments concerning summary judgment in its Order Denying Plaintiff's Motion for Partial Summary Judgment. The Court need not rehash its logic in this order. As explained in the Order, the Court finds

¹ Plaintiff timely filed her response on July 17, 2007, but neglected to include a signature, thereby creating a deficient document in the Court's filing system. Plaintiff quickly amended this problem, and refiled on July 18 with the proper signature. The Court deems the Response timely filed.

fact issues related to Defendants' affirmative defenses, and cannot grant Defendants summary judgment on its claims, which would effectively end Plaintiff's Title VII cause of action.

Factual issues are within the province of the jury. Accordingly, for the same reasons explained in its Order Denying Plaintiff's Motion for Partial Summary Judgment, the Court DENIES Defendants' Motion for Partial Summary Judgment.

It is so ORDERED

Signed this 3/27 day of July, 2007.



ROYAL FURGESON
UNITED STATES DISTRICT JUDGE