IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Plaintiff,	§	
v.	§	Civil Action No. H-06-2106
SHIPLEY DONUT FLOUR & SUPPLY CO., INC. *d/b/a* **Shipley Do-Nuts** Defendant.	§	

MEMORANDUM AND ORDER

The Court has reviewed Defendant's Motion for Summary Judgment, Plaintiff's Response, the Reply, and the Sur-Reply.

Good arguments are advanced by both sides. The critical fact, however, that shapes this case is that Gerardo Guzman, who had worked for Defendant for six years without disciplinary issues, received three written reprimands in eleven days shortly after engaging in protected activity. He was then fired. Sufficient uncertainty exists with respect to timing, motivation, comparable treatment of other employees, and the seriousness of the conduct leading to the reprimands that the evidence must be put before a jury for resolution.

Defendant's Motion for Summary Judgment is, therefore, **DENIED.**

IT IS SO ORDERED.

Signed at Houston, Texas on this 19th day of September 2007.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE