

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

EQUAL EMPLOYMENT OPPORTUNITY	*	
COMMISSION,	*	
	*	
Plaintiff,	*	
	*	
v.	*	Civ. No. 3:04-CV-2109-H
	*	
STOCKS, INC., d/b/a CAFÉ ITALIA,	*	
	*	
Defendant.	*	

ORDER

Before the Court are Plaintiff Equal Employment Opportunity Commission's ["EEOC"] Motion for Partial Summary Judgment, and supporting brief and appendix, filed January 9, 2006; and Defendant's Response, and supporting brief, filed January 30, 2006.


Plaintiff brings this case on behalf of Charging Party Ashley Bridges under Title VII for sexual harassment, based on a sexually hostile work environment, and for retaliation for pursuing rights protected by the United States Constitution. *See* 42 U.S.C. § 2000e-2(a)(1); *id.* § 2000e-3.

The EEOC now moves for partial summary judgment on the claim of retaliation. Specifically, the EEOC offers deposition evidence that Defendant admits it reduced Ms. Ashley's work hours, and therefore her compensation, because Ms. Ashley complained of sexual harassment and threatened to sue therefore. The EEOC's evidence is persuasive. Defendant has raised a sufficient issue of fact with regard to the context of those admissions, however, such that judgment is not appropriate as a matter of law. *See* Fed. R. Civ. P. 56; *Lujan v. Nat'l Wildlife Fed'n*, 497 U.S. 871, 888 (1990); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 251 (1986).

Accordingly, Plaintiff's motion for partial summary judgment is **DENIED**. This case shall proceed to jury trial as scheduled.

SO ORDERED.

DATED: March 2, 2006.


BAREFOOT SANDERS, SENIOR JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS