

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FRANK KENNEBREW,

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Plaintiff,

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v.

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CIVIL ACTION NO.
1:15-CV-2495-RWS

COBB COUNTY SCHOOL
DISTRICT,

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation of Magistrate Judge Catherine M. Salinas [Doc. No. 22]. Having carefully considered the record, the Report and Recommendation, and the objections filed thereto [Doc. No. 24], the Report and Recommendation [Doc. No. 22] is received with approval and adopted as the Opinion and Order of this Court. The undersigned agrees with the observation by Judge Salinas that while Defendant’s argument that Plaintiff failed to establish an inference of race discrimination because two African-American applicants were hired may ultimately be persuasive, Plaintiff’s Amended Complaint is sufficient to survive at the Motion to Dismiss stage.

Accordingly, Defendant's Motion to Dismiss [Doc. No. 6] is DENIED as moot. Defendant's Motion to Dismiss [Doc. No. 11] is GRANTED in part and DENIED in part. Defendant's Motion to Dismiss [Doc. No. 11] is DENIED as to Plaintiff's Title VII race discrimination claim. Defendant's Motion to Dismiss [Doc. No. 11] is GRANTED as to Plaintiff's §§ 1981/1983 claim for race discrimination against the School District. Plaintiff's Motion for Leave to Add a Paragraph [Doc. No. 14] is DENIED. The parties are ORDERED to file their Joint Preliminary Report and Discovery Plan within fourteen days.

SO ORDERED, this 18th day of April, 2016.



RICHARD W. STORY
United States District Judge