

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KEEYSA ROSS,	:	Case No. 3:13-cv-38
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Sharon L. Ovington
vs.	:	
	:	
TELEPERFORMANCE USA, INC. <i>et al.</i> ,	:	
	:	
Defendants.	:	

DECISION AND ENTRY: (1) ADOPTING THE REPORT AND RECOMMENDATIONS OF THE MAGISTRATE JUDGE (Doc. 34); (2) GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION TO DISMISS THE AMENDED COMPLAINT (Doc. 25); (3) OVERRULING PLAINTIFF'S OBJECTIONS (Doc. 36); (4) DENYING PLAINTIFF'S MOTION FOR CONSIDERATION OF MORE DEFINITE STATEMENT AND URGENT MOTION FOR PARTIAL SUMMARY JUDGMENT (Doc. 37); AND (5) DENYING PLAINTIFF'S MOTIONS TO STRIKE (Docs. 43, 44)

This case is before the Court on the Motion to Dismiss the Amended Complaint filed by Defendants (Doc. 25) and the Report and Recommendations of the Magistrate Judge (Doc. 34) recommending that Defendants' Motion to Dismiss be granted in part and denied in part. Plaintiff filed Objections (Doc. 36) to the Report and Recommendations. Defendants did not file objections and the time for doing so has expired. Defendants did respond to the Objections filed by Plaintiff. (Doc. 40). The issues are now ripe for decision by the Court.

In conjunction with her Objections to the Report and Recommendations of the Magistrate Judge, Plaintiff moves for partial summary judgment and requests that the Court consider a more definite statement. The Court finds that Plaintiff's request for partial summary judgment is supported by mere allegations and information insufficient find the

absence of a genuine issue of material fact. Accordingly, the Court denies Plaintiff's request for partial summary judgment, but without prejudice to re-filing at or near the conclusion of discovery. The Court further finds no basis to grant Plaintiff's request for consideration of a more definite statement. Based on the foregoing, these Motions (Doc. 37) are **DENIED**.

Plaintiff also moves to strike Defendants' Response to her Objections. (Docs. 43, 44). Plaintiff's Motions in this regard sets forth no clear basis upon which the Court can strike Defendant's response. In fact, Plaintiff's request to strike is more akin to a reply in support of her Objections. Accordingly, the Court **DENIES** Plaintiff's Motions to Strike Defendants' response to her objections. (Docs. 43, 44).

With regard to Defendants' Motion to Dismiss (Doc. 25) and the Report and Recommendations of the Magistrate Judge (Doc. 34), as required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), upon reviewing the Motion and the comprehensive findings of the Magistrate Judge *de novo*, the Court: (1) **ADOPTS** the Report and Recommendations (Doc. 34) of the Magistrate Judge in its entirety; (2) **GRANTS** in part and **DENIES** in part Defendants' Motion to Dismiss Amended Complaint (Doc. 35); and (3) **OVERRULES** Plaintiff's Objections (Doc. 36). Based on the foregoing, Plaintiff's Title VII and Ohio Rev. Code § 4112.02(I) claims for retaliation remain pending. All other claims asserted in the First Amended Complaint are **DISMISSED**.

IT IS SO ORDERED.

Date: 11/25/13

/s/ Timothy S. Black
Timothy S. Black
United States District Judge