

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

DEBORAH ANTHONY, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 STATE OF ALABAMA )  
 LEGISLATIVE REFERENCE )  
 SERVICE and JERRY BASSETT, )  
 in his individual and )  
 official capacities, )  
 )  
 Defendants. )

CIVIL ACTION NO.  
2:13cv449-MHT  
(WO)

OPINION

Plaintiff Deborah Anthony filed this lawsuit against defendants Alabama Legislative Reference Service and Jerry Bassett asserting claims of race and sex discrimination with regard to her employment. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that defendants' motions for summary judgment should be granted as to all claims except Anthony's Title VII hostile-environment claim against the Alabama Legislative Reference Service. Also before the

court are the defendants' objections to the recommendation. After an independent and de novo review of the record, the court concludes that the defendants' objections should be overruled and the magistrate judge's recommendation adopted.

While the court believes that it is doubtful whether Anthony's Title VII hostile-environment claim should go forward, the court believes that the more practical approach (so as to be sure that Anthony has without question received full notice and due process) is to refer this claim back to the magistrate judge so that the magistrate judge can consider sua sponte (after giving notice to Anthony) whether summary judgment should be granted on the claim or the Legislative Reference Service can file a summary-judgment motion expressly targeted at the claim.

An appropriate judgment be entered.

DONE, this the 29th day of September, 2014.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE