

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BARBARA ANN WILSON,

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2:10-cv-02386-KOB

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Plaintiff,

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v.

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**THE BIRMINGHAM PUBLIC
LIBRARY FOUNDATION; et al.,**

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Defendants.

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PLAINTIFF’S RESPONSE TO SHOW CAUSE ORDER

The Plaintiff responds to the Court’s Order to Show Cause as to why the Defendant, Birmingham Public Library Foundation should not be dismissed as follows:

1. The Defendant’s motion does not contain an affidavit or other admissible evidence to support its factual contention that the Foundation is not a proper defendant. This case is in it’s infancy, having just been filed. The Plaintiff requests a reasonable amount of time to conduct limited discovery as to the factual basis cited by the Foundation on the issue of what entity or entities are the Plaintiff’s employer for the purposes of Title VII of the Civil Rights Act.

2. Contemporaneously with this response, the Plaintiff is filing a Motion to Amend pursuant to Federal Rule of Civil Procedure 15 (c) in order to add as party-defendants, The Birmingham Library Board and Renee Blaylock, the Executive Director of the Birmingham Public Library.
3. An Order granting the Defendant's motion to dismiss without allowing discovery on the this issue would severely prejudice the Plaintiff, should the evidence show the Foundation is her employer under Title VII of the Civil Rights Act. Conversely, the Defendant would not be prejudiced should the Court deny its motion and allow said discovery.

WHEREFORE, the Plaintiff respectfully requests this Honorable Court to deny the Defendant's Motion to Dismiss and allow her reasonable time to conduct discovery on this issue.

Respectfully submitted,

s/Adam P. Morel

Adam P. Morel

ATTORNEY FOR PLAINTIFF

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above has been served on all counsel of record via electronic filing.

This the 4th day of October, 2010.

s/Adam P. Morel
OF COUNSEL
