

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

DOROTHY FOLSOM,)
)
Plaintiff)
)
vs.)
)
MCABEE CONSTRUCTION, INC.,)
)
Defendant)

Case No. 7:09-cv-01486-KOB

MEMORANDUM OPINION AND ORDER

On June 6, 2012, the magistrate judge entered his report and recommendation (doc. 45) and gave the parties fourteen days to file objections to his recommendations. On June 20, 2012, the defendant filed objections to the report and recommendation. (Doc. 46).

After careful consideration of the record in this case de novo, the magistrate judge's report and recommendation and the defendant's objections, the court ADOPTS the report of the magistrate judge and ACCEPTS his recommendations.

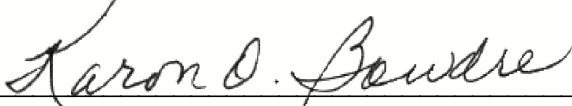
Therefore, the court DENIES the defendant's motion for summary judgment as to the plaintiff's claims of sexual harassment/sexually hostile environment and state law claims of outrage and negligent training, supervision and retention because

genuine disputes of material facts exist, making judgment inappropriate. However, the court GRANTS the defendant's motion for summary judgment as to the plaintiff's claim of retaliation and DISMISSES the retaliation claim WITH PREJUDICE.

In its objections, the defendant notes that the magistrate judge did not address the defendant's motion for summary judgment regarding the plaintiff's invasion of privacy claim. The plaintiff did not oppose the motion for summary judgment as to the invasion of privacy claim in her response to the motion for summary judgment. Therefore, the court GRANTS the defendant's motion for summary judgment as to plaintiff's claim of invasion of privacy and DISMISSES the invasion of privacy claim WITH PREJUDICE.

The Clerk is DIRECTED to REASSIGN this action to the undersigned for all further proceedings.

DONE and ORDERED this 14th day of August, 2012.


KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE