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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Maria Diamantoulis,)	No. CV 07-272-TUC-FRZ (JCG)
Plaintiffs,)	ORDER
vs.)	
Qwest Communications, Inc.)	
Defendant.)	

Pending before the Court for consideration is the Report and Recommendation of the Magistrate Judge recommending that the Court grant Defendant Quest Communications, Inc.’s Motion for Summary Judgment.

This case was referred to Magistrate Judge Jennifer C. Guerin for pretrial proceedings and report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) and LRCiv 72.1 and LRCiv 72.2 of the Rules of Practice of the United States District Court for the District of Arizona, Local Rules of Civil Procedure.

Magistrate Judge Guerin issued her Report and Recommendation on July 1, 2010, recommending that this Court, after an independent review of the record, grant summary judgment in favor of Defendant Qwest Communications and dismiss this action with prejudice.

Before the Court for review, in addition to the Report and Recommendation, Plaintiff’s objections thereto and Defendant’s response to the objections, are Defendant’s motion for summary judgment, Plaintiff’s response in opposition and Defendant’s reply.

1 The Report and Recommendation includes a thorough history and factual background
2 of the adverse actions at issue and an in-depth analysis of the legal issues and authority
3 presented.

4 Magistrate Judge Guerin specifically found that Defendant is entitled to summary
5 judgment on Plaintiff's claim for gender discrimination because, even though the actions
6 complained of by Plaintiff may constitute adverse employment actions under controlling law,
7 Defendant has articulated legitimate, nondiscriminatory reasons for those actions which
8 Plaintiff has failed to prove are a pretext for discrimination.

9 In regard to Plaintiff's claim of retaliation, Magistrate Judge Guerin also found that
10 Defendant articulated legitimate, nondiscriminatory reasons for denying Plaintiff overtime
11 and failing to provide a light duty assignment in the office and Plaintiff has failed to
12 demonstrate that those stated reasons are pretextual, and thus, Plaintiff has failed to
13 demonstrate a genuine issue of fact with respect to her retaliation claim.

14 Plaintiff filed her objections to the Report and Recommendation, disputing the
15 findings of the Magistrate Judge, and contend, summarily, that the "legitimate reasons" for
16 the Defendant's actions do not withstand scrutiny and that Magistrate Judge Guerin applied
17 the incorrect analysis in her determinations.

18 The Court finds, after careful consideration of the matters presented and an
19 independent review of the record herein, including Plaintiff's Objections to Magistrate's
20 Report and Recommendation and Defendant's Response to Plaintiff's Objections to
21 Magistrate's Report and Recommendation, that Plaintiff has failed to prove a pretext for
22 discrimination and to demonstrate genuine issues of material fact with respect to her claim
23 of retaliation, and that Defendant's are accordingly entitled to summary judgment as a matter
24 of law.

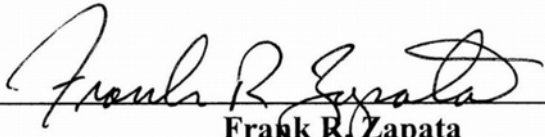
25 Based on the foregoing,

26 IT IS ORDERED that Magistrate Judge Guerin's Report and Recommendation [Doc.
27 64] is hereby ACCEPTED AND ADOPTED as the findings of fact and conclusions of law
28 by this Court;

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IT IS FURTHER ORDERED that Defendant Qwest's Motion for Summary Judgment [Doc. 58] is GRANTED; Judgment shall enter accordingly.

DATED this 30th day of September, 2010.



Frank R. Zapata
Senior United States District Judge