

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

MARY BRAZIL

PLAINTIFF

v.

No. 4:13-cv-468-DPM

**ARKANSAS DEPARTMENT OF
HUMAN SERVICES**

DEFENDANT

ORDER

The motion to dismiss, *No. 11*, is denied. The Court does not see this case as one where the plaintiff has pleaded herself out of court for one reason or another. Brazil's allegations state plausible claims of discrimination based on race and retaliation—all the essential elements appear to be present. The dispute is so factually tangled that, if the claims fail on motion, it should be at the summary-judgment stage. At that point, the facts will be winnowed to those few that are material, and either disputed or not, by the parties' Local Rule 56.1 statements. *No. 19 at 3-4*.

So Ordered.



D.P. Marshall Jr.
United States District Judge

3 April 2014