

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 07-cv-02019-RPM

MARTIN N. TARABOCCHIA,

Plaintiff,

v.

BALL AEROSPACE AND TECHNOLOGIES CORP.,

Defendant.

ORDER DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND
MOTION TO STRIKE

Upon consideration of the filed papers in support and opposition to the defendant's motion for summary judgment and the motion to strike declarations and witnesses, the Court finds and concludes that there are sufficient showings of evidentiary support to warrant an inference that the plaintiff's termination of his employment was in violation of the Age Discrimination in Employment Act and in retaliation for his protesting a proposal that may have been in violation of established public policy. The defendant's motion to strike declarations and witnesses is unfounded. It is

ORDERED that the defendant's motion for summary judgment and the defendant's motion to strike declarations and witnesses are denied.

DATED: November 20th, 2009

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge