

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 11-cv-02310-REB-CBS

CHRISTINE T. HENZE,

Plaintiff,

v.

PEYTON SCHOOL DISTRICT NO. 23-JT,

Defendant.

ORDER DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Blackburn, J.

This matter is before me on the **Defendant's Motion for Summary Judgment** [#22]¹ filed July 25, 2012. The plaintiff filed a response [#23] and the defendant filed a reply [#24]. I deny the motion.²

I have reviewed the motion, the plaintiff's response, and the defendant's reply, as well as the apposite arguments, authorities, and evidence presented by the parties. I conclude that there exist genuine issues of material fact that are not appropriate for summary resolution. Most important, I conclude that the plaintiff's evidence, while thin, is sufficient to show genuine issues of material fact on the question of the plaintiff's

¹ "[#22]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

² The issues raised by and inherent to the motion for summary judgment are fully briefed, obviating the necessity for evidentiary hearing or oral argument. Thus, the motion stands submitted on the briefs. Cf. **FED. R. CIV. P. 56(c)** and **(d)**. *Geeer v. Boulder Cmty. Hosp.*, 844 F.2d 764, 766 (10th Cir.1988) (holding that hearing requirement for summary judgment motions is satisfied by court's review of documents submitted by parties).

membership in a protected class and on the question of whether the defendant's stated reasons for its employment actions are pretextual.

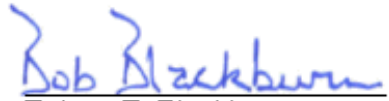
THEREFORE, IT IS ORDERED as follows:

1. That the **Defendant's Motion for Summary Judgment** [#22] filed July 25, 2012, is **DENIED**; and

2. That counsel are instructed to contact the court's administrative assistant, **Susan Schmitz, at (303) 335-2350 on Tuesday, October 23, 2012, at 10:00 a.m.**, to reschedule the trial preparation conference.

Dated October 19, 2012, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge