

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MARY V. PHILLIPS,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 1:05 CV-00862 (ESH)
)	
DAVID RUBENSTEIN, et al.,)	
)	
Defendants)	
<hr style="border: 0.5px solid black;"/>		

STATEMENT OF DISPUTED MATERIAL FACTS

Pursuant to LCvR 7 and 56.1, Plaintiff Mary V. Phillips submits the following disputed statement of facts.

1. Undisputed.
2. Disputed. In 1997, Plaintiff filed an EEO complaint for sexual harassment and retaliation against Paul Alper. See Deposition of Mary Phillips (“Phillips Dep.”) PX002 at 57:3-19.
3. Undisputed.
4. Undisputed.
5. Undisputed.
6. Undisputed.
7. Undisputed.
8. Undisputed.
9. Disputed. On September 13, 2002, Rosenthal invited all members of the juvenile division to apply for the positions of Acting Section Chief and Possibly Acting Trial Supervisor by September 16. PX003, p.649. On or about September 16, 2002, Plaintiff submitted her application for Acting Section Chief. PX001A, p. 20. On September 17, Rosenthal sends an e-mail to Plaintiff and others thanking them for their “interest in one of the acting positions that may be open. Id.
10. Disputed. The accomplishments outlined in Plaintiff’s written submission address five and one-half of the seven criteria. PX003 p. 644.

11.
 - a. Disputed. Plaintiff's accomplishments outlined in her written submission reflect a knowledge of Juvenile Section Policy and Procedures. PX003, p. 647-48.
 - b. Disputed. Plaintiff's accomplishments outlined in her written submission reflect an ability to quickly complete complex legal research. PX003, p. 647-48.
 - c. Disputed. Plaintiff's accomplishments outlined in her written submission reflect an in-depth knowledge of Title 16-2301, the Juvenile Rules, and Supreme Court precedent.
 - d. Disputed. Plaintiff's accomplishments outlined in her written submission reflect an in-depth knowledge of the legal concepts contained in 4th, 5th and 6th law and the concepts therein. PX003, p. 647-48.
12. Disputed. Phillips explained in her email, "unfortunately, I have not been given the opportunity to review the pleadings of others, other than those that I have done on my own with the other YSA attorneys." PX003, p. 650.
13. Undisputed.
14. Undisputed.
15. Undisputed.
16. Undisputed.
17. Undisputed.
18. Undisputed.
19. Disputed in part. The review panel rated Plaintiff's performance for fiscal year 2001 as meets expectation as a result of Rosenthal's failure to provide the necessary justification for his ratings of "exceeds" as required by Department policy. PX 004A.
20. Undisputed.
21. Undisputed.
22. Disputed in part. The Corporation Counsel denied Plaintiff's appeal as to element five due to Rosenthal's failure to provide any justification for an "exceeds" rating as he was directed to do by the Evaluation Panel. ****

23. Undisputed.

24. Undisputed.

25. Undisputed.

26. Undisputed.

27. Disputed. The statement is speculation, not “fact.” Two of the hearings were covered. The consequence of failing to the third, the government failed to respond to a motion to dismiss that it would not have opposed in any event. PX005 p162-163.

28. Undisputed.

29. Undisputed.

Respectfully submitted,

/S/ Curt S. Hansen

CURT S. HANSEN, D.C. Bar 414782
Hansen & Associates, P.C.
419 7th St., N.W., Suite 405
Washington, D.C. 20004
(202) 638-6700
(202) 638-4279 Fax