

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

CHASITY PERRY,

Plaintiff,

vs.

CASE NO. 5:10-cv-52/RS-MD

**DEPARTMENT OF CORRECTIONS,
STATE OF FLORIDA**

Defendant.

ORDER

Before me are Defendant's Motion for Summary Judgment (Doc. 33) and Memorandum in Support (Doc. 35), and Plaintiff's Response (Doc. 45) and Statement of Disputed Facts (Doc. 46).

In the light most favorable to the Plaintiff, sufficient facts have been produced to raise a triable issue as to both the sexual harassment and retaliation claims. Plaintiff has sufficiently refuted Defendant's contention that she failed to adequately avail herself of Defendant's system for reporting and preventing harassment by alleging that, on multiple occasions, she informed her superiors, including Warden Culpepper, of the alleged harassment. Likewise, Plaintiff has demonstrated that there is a genuine issue of material fact as to the nature of her discharge from employment sufficient to sustain her retaliation claim.

The Motion for Summary Judgment (Docs. 33 and 35) is **DENIED**.

ORDERED on November 9, 2010

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE