

**United States District Court
Northern District of Indiana
Hammond Division**

DONTE D. POTTS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:07-CV-167 JVB
)	
A & A MANUFACURING CO. INC.,)	
d/b/a Gortrac,)	
)	
Defendant.)	

OPINION AND ORDER

This matter is before the Court on Defendant’s Motion for Summary Judgment [DE 47] and Plaintiff’s Motion to Strike [DE 51]. On March 28, 2008, Plaintiff filed his Amended Complaint against Defendant, his former employer, alleging the federal claims of discrimination and retaliatory discharge under Title VII of the Civil Rights Act and 42 U.S.C. § 1981. Additionally, Plaintiff alleged the state law claims of negligent hiring, supervision, and retention and retaliatory discharge.

The Court first considers Plaintiff’s Motion to Strike. Defendant’s Statement of Material Facts, for the most part, contains a proper recitation of the facts with appropriate citations, and the Court is capable of disregarding all argument, interpretation or analysis of the facts, or unfounded assertions of fact found in the Statement of Material Facts. *See Mayes v. City of Hammond*, 442 F. Supp. 2d 587, 596 (N.D. Ind. 2006) (“[I]t is the function of a court, with or without a motion to strike, to review carefully both statements of material facts and statements of genuine issues and the headings contained therein and to eliminate from consideration any argument, conclusions, and assertions unsupported by the documented evidence of record

offered in support of the statement.”). Therefore, the Court denies Plaintiff’s Motion to Strike.

The Court now turns to Defendant’s Motion for Summary Judgment. The Court finds that there are genuine issues of material fact relating to the federal claims in this case, and summary judgment is denied as to those claims. Fed. R. Civ. P. 56(c). As to Plaintiff’s state law claims, summary judgment is granted in favor of Defendant. Federal Rule of Civil Procedure 56(c) requires the entry of summary judgment against a party “who fails to make a showing sufficient to establish the existence of an element essential to that party’s case, and on which that party will bear the burden of proof at trial.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986).

Furthermore, when considering a motion for summary judgment, “the district court is not required to scour every inch of the record in search of evidence to defeat the motion; the nonmoving party must identify with reasonable particularity the evidence upon which the party relies.” *Hemsworth v. Quotesmith.com, Inc.*, 476 F.3d 487, 490 (7th Cir. 2007) (citing *Johnson v. Cambridge Indus., Inc.*, 325 F.3d 892, 898 (7th Cir. 2003)). Plaintiff has failed to identify with particularity sufficient facts or law that would support his state law claims, and, therefore, the Motion for Summary Judgment is granted in favor of Defendant on those claims.

Accordingly, the Defendant’s Motion for Summary Judgment [DE 47] is GRANTED as to the state law claims and DENIED as to the federal law claims, and Plaintiff’s Motion to Strike [DE 51] is DENIED.

SO ORDERED on January 29, 2010.

s/ Joseph S. Van Bokkelen
JOSEPH S. VAN BOKKELEN
UNITED STATES DISTRICT JUDGE