

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

KERI PULLIAM

CIVIL ACTION

VERSUS

NO. 08-236-BAJ-SCR

COMCORP OF BATON ROUGE, INC.  
d/b/a WVLA, NBC 33

**RULING**

The court has carefully considered the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Stephen C. Riedlinger, dated October 28, 2010. Defendant has filed an objection which the court has considered. To the extent defendant argues that the magistrate judge erred by considering language contained in the Equal Employment Opportunity Questionnaire to determine whether the plaintiff exhausted administrative remedies with regard to the retaliation claim (doc. 24, p. 3), courts in the Fifth Circuit have stated:

the decision is to be based on the four corners of the EEOC charge, but the court may also consult related documents such as a plaintiff's affidavit, the response to the EEOC questionnaire, and attachments to the response, when (1) the facts set out in the document are a reasonable consequence of a claim set forth in the EEOC charge, and (2) the employer had actual knowledge of the contents of the document during the course of the EEOC investigation. This test is subject, of course, to the established principles that the plaintiff's lawsuit may encompass any kind of discrimination like or related to the allegations contained in the EEOC charge, and that the court must not strictly construe the charge and require the complainant to allege every instance of discrimination.

*Cooper v. Wal-Mart Transp., LLC*, 662 F.Supp.2d 757, 773-74 (S.D.Tex. 2009) (quoting, *Hayes v. MBNA Technology, Inc.*, No. 3-03-1766, 2004 WL 1283965, at \*6 (N.D.Tex. 2004)).

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, defendant's Motion for Summary Judgment (doc. 11) is **GRANTED IN PART**, dismissing plaintiff's claims under 42 U.S.C. § 1981, Title VII, and the Louisiana Employment Discrimination Law, LSA-R.S. 23:332, that she was terminated because of her race; and **DENIED** insofar as the motion seeks dismissal of plaintiff's Title VII and Louisiana Employment Discrimination Law claims of sexual harassment/hostile work environment. or her Title VII retaliation claim.

Baton Rouge, Louisiana, November 30, 2010.



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BRIAN A. JACKSON  
UNITED STATES DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA