

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KATHLEEN MURRAY,

Plaintiff,

Case No. 16-cv-14477  
Hon. Matthew F. Leitman

v.

PICO ENTERPRISES, INC.,

Defendant.

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**ORDER GRANTING IN PART AND DENYING IN PART**  
**DEFENDANT'S MOTION TO DISMISS (ECF #13)**

On December 28, 2016, Plaintiff Kathleen Murray filed this employment discrimination suit against Defendant PICO Enterprises, Inc. (*See* Compl., ECF #1.)

The claims in the Complaint are as follows:

- Count I alleges age discrimination in violation of the Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.;
- Count II alleges age discrimination in violation of the Michigan Elliot-Larsen Civil Rights Act, MCL § 37.2701, et seq.;
- Count III alleges sex discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e), et seq.
- Count IV alleges sex discrimination in violation of the Michigan Elliot-Larsen Civil Rights Act, MCL § 37.2701, et seq.

(*See id.*)

On February 22, 2017, PICO Enterprises moved to dismiss the Complaint in part (the “Motion”). (*See* ECF #13.) The Court held a hearing on the Motion on July 10, 2017. For the reasons stated on the record at that hearing, the Motion is **GRANTED IN PART** and **DENIED IN PART**. The Motion (ECF #13) is

**GRANTED** with respect to Counts I, II, and IV of the Complaint, and the claims therein are **DISMISSED WITH PREJUDICE**. The Motion is **DENIED** with respect to Count III, and that count remains in its entirety.

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: July 10, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 10, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda  
Case Manager  
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