


1 Thompson slipped and fell on it, and no evidence that TARGET had constructive notice that the
2 liquid substance was on the floor at the time of Thompson's fall. Thompson disputes each of these
3 arguments and contends there remain genuine issues of material fact as to each issue. Viewing the
4 facts in the light most favorable to Plaintiff Thompson, the Court finds genuine issues of material
5 fact remain as to each of the issues presented which, if resolved by a jury in favor of Plaintiff
6 Thompson, could lead a rational trier of fact to find in her favor at trial.

7 **IT IS THEREFORE ORDERED** that Defendant TARGET's Motion for Summary
8 (Doc. #46) is DENIED.

9 **IT IS FURTHER ORDERED** that the Parties shall forthwith meet and confer, and
10 shall not later than January 22, 2014 file a Proposed Joint Pretrial Order.

11 DATED: December 11, 2013.

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13 PHILIP M. PRO
14 United States District Judge
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