

**FILED**  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.

★ **SEP 19 2017** ★

**BROOKLYN OFFICE**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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KAREN SUTHERLAND,

Plaintiff,

**MEMORANDUM & ORDER**

- against -

15 CV 03918 (RJD) (JO)

THE DEPARTMENT OF EDUCATION  
OF THE CITY OF NEW YORK, THE CITY  
SCHOOL DISTRICT OF THE CITY OF  
NEW YORK, and ESTHER GUTWEIN,

Defendants.

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DEARIE, District Judge

In their motion for summary judgment and objections to Magistrate Judge Orenstein's Report and Recommendation, defendants have marshaled considerable evidence in an attempt to defeat plaintiff's claims of discrimination. But the ultimate decision in this case must be the jury's. Plaintiff has met her modest burden of establishing a prima facie case of discrimination and the record does reflect evidence that, when construed in the light favorable to the plaintiff, would permit a reasonable factfinder to find in her favor. Having considered the objections, I adopt the recommendation and deny the motion.

The matter will proceed to trial as scheduled.

SO ORDERED.

Dated: Brooklyn, New York  
September 19, 2017

s/ RJD

**RAYMOND L. DEARIE**  
**UNITED STATES DISTRICT JUDGE**