

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
DOCKET NO. 1:16-cv-00118-MOC-DLH

**EQUAL EMPLOYMENT OPPORTUNITY** )  
**COMMISSION,** )  
 )  
Plaintiff, )  
 )  
v. ) **ORDER**  
 )  
**MISSION HOSPITAL, INC.,** )  
 )  
Defendant. )

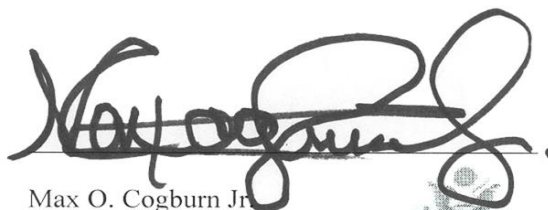
**THIS MATTER** is before the court on defendant’s Motion for Summary Judgment (#13) and plaintiff’s Motions to Strike (#22 & #23). These Motions shall be set for hearing on the next appropriate civil hearing date. The hearing will be an opportunity for oral argument as to the ultimate issue of summary judgment and the sub-issues of the Motions to Strike.

The court takes note of the recently decided Fourth Circuit case, Equal Employment Opportunity Commission v. Consol Energy, Inc.; Consolidation Coal Company, No.16-1230, No. 16-1406, 2017 WL 2603975. The Fourth Circuit issued the opinion on June 12, 2017, and dealt with religious exemptions to biometric scanners. The case at bar involves arguments concerning religious exemptions to a flu vaccination requirement. The court would appreciate the benefit of a hearing in light of this recent case, especially as to its applicability to the case at bar.

**ORDER**

**IT IS, THEREFORE, ORDERED** that the Clerk of Court **CALENDAR** oral arguments on defendant's Motion for Summary Judgment (#13) and plaintiff's Motions to Strike (#22 & #23) on the next appropriate civil hearings date in Asheville.

Signed: June 19, 2017



Max O. Cogburn Jr.  
United States District Judge