

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES C. WHITEMAN,)	CASE NO.:	1:07 CV 2613
)		1:07 CV 2615
)		
Plaintiff,)	JUDGE DONALD C. NUGENT	
)		
v.)		
)		
LAKE RIDGE ACADEMY,)	<u>MEMORANDUM OPINION</u>	
)	<u>AND ORDER</u>	
Defendant.)		
)		

This matter is before the Court on a Motion for Summary Judgment filed by Defendant Lake Ridge Academy. (ECF # 19.) Plaintiffs James C. Whiteman and the Equal Employment Opportunity Commission have filed Memoranda in Opposition to the Motion, and Defendant has filed Reply Briefs in Support of its Motion. Thus, the matter has been briefed fully and is now ripe for review.

Summary judgment is appropriate when the court is satisfied “that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” FED. R. CIV. P. 56(c). A fact is “material” only if its resolution will affect the outcome of the lawsuit. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). Accordingly, proper summary judgment analysis entails “the threshold inquiry of determining whether there is the need for a trial — whether, in other words, there are any genuine factual issues that properly can be resolved only by a finder of fact because they may reasonably be resolved in favor of either party.” *Id.* at 250. It is with these standards in mind that the instant Motion must be decided.

Based upon a thorough review of the briefs submitted by the parties, as well as the

materials submitted in support thereof, the Court finds that genuine issues of material fact exist which make summary judgment inappropriate in this case. Accordingly, Defendant's Motion for Summary Judgment (ECF # 19) is DENIED. This case shall proceed to jury trial at 8:30 a.m. on October 31, 2008.

IT IS SO ORDERED.



DONALD C. NUGENT
United States District Judge

DATED: October 8, 2008