

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

MARY JANE COLSTON,)	CASE NO. 1:12-CV-00204
)	
Plaintiff,)	JUDGE JAMES S. GWIN
)	MAGISTRATE JUDGE BAUGHMAN
v.)	
)	<u>DEFENDANTS' MOTION FOR</u>
CLEVELAND PUBLIC LIBRARY, et al.,)	<u>SUMMARY JUDGMENT</u>
)	
Defendants.)	

Plaintiff filed this lawsuit on December 28, 2011 in the Cuyahoga County Court of Common Pleas, styled *Mary Jane Colston v. Cleveland Public Library, et al.*, Case No. CV-11-772326. (ECF 1, p. 1.) Defendants removed the case to the Northern District of Ohio on January 27, 2012. (*Id.*) Plaintiff's Complaint alleges: (1) Defendants subjected her to a hostile work environment and harassment and discriminated against her because of her gender in violation of the Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, as amended, and Ohio Revised Code §§ 4112, 4112.99; (2) Defendants retaliated against her for complaining about her alleged harassment and/or hostile work environment; (3) Defendant the Cleveland Public Library negligently hired, retained, supervised and failed to train Defendants Melvin Abrams, Michael Janero, Felton Thomas and Sharon Tufts; (4) Defendants are liable for intentional infliction of emotional distress upon Plaintiff and (5) Defendants' actions violated the Fifth and Fourteenth Amendments to the United States Constitution. (Plaintiff's Complaint, generally.)

According to Fed. R. Civ. P. 56(c), summary judgment is proper “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue of material facts and that the moving party is entitled to judgment as a matter of law.” *Singleton v. Select Spec. Hosp.-Lexington, Inc.*, 391 Fed. App’x 395, 399 (6th Cir. 2010). “[T]he plain language of Rule 56(c) mandates the entry of summary judgment . . . against a party who fails to make a showing sufficient to establish the existence of an element essential to that party’s case, and on which that party will bear the burden of proof at trial.” *Celotex Corp v. Catrett*, 477 U.S. 317, 322, 106 S.Ct. 2548 (1986). After the moving party has satisfied its burden, the burden shifts to the non-moving party to set forth “specific facts showing that there is a genuine issue for trial.” *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587, 106 S.Ct. 1348 (1986). The non-moving party may not rely on her subjective beliefs or opinions to defeat a properly-supported motion for summary judgment. *Arendale v. City of Memphis*, 519 F.3d 587, 601 (6th Cir. 2008).

Based on the evidence in the record, including Plaintiff’s own deposition testimony, Plaintiff cannot demonstrate that her claims create a genuine issue of material fact that merit a trial in this action. Therefore, these four Defendants are entitled to summary judgment on all of Plaintiff’s claims against the Cleveland Public Library, Felton Thomas, Sharon Tufts and Michael Janero.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2012 a copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Thomas H. Barnard _____

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