

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Robert Coldiron,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:14cv300
vs.	:	
	:	Judge Susan J. Dlott
Clossman Catering, LLC,	:	
	:	
Defendant(s).	:	

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on October 27, 2015 a Report and Recommendation (Doc. 40). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 42) and defendant filed a response to the objections (Doc. 43).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Plaintiff’s motions to strike (Docs. 25 & 37) are GRANTED to the extent that defendant offers the incident report, paragraph 3(f) of Forman’s affidavit, and paragraph 6 of her supplemental affidavit as evidence that plaintiff’s surgery was elective, but are DENIED to the extent that defendant offers the incident report to show its effect on Forman in her decision to terminate plaintiff.

Plaintiff’s motions to strike are GRANTED as to the phrase “the potential exception of

one employee that took unpaid leave from June 18, 2013 to June 30, 2013" in paragraph 6 of Forman's affidavit.

Plaintiff's motions to strike are DENIED in all other respects.

Defendant's motion to strike (Doc. 33) is GRANTED as to paragraph 44 and the phrase "and was never disciplined prior to my discharge" in paragraph 6 of Coldiron's affidavit.

Defendant's motion to strike is DENIED in all other respects.

The defendant's motion for summary judgment is GRANTED.

IT IS SO ORDERED.

s/Susan J. Dlott  
Judge Susan J. Dlott  
United States District Court