IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Harry E.Brown	:	
Plaintiff	:	Case No. 3:14-CV-1100
v.	:	
Commonwealth of Pennsylvania	:	(Judge Richard P. Conaboy)
Defendant	:	

Memorandum

We consider here the Motion for Summary Judgment (Doc. 24) filed by the Defendant Commonwealth of Pennsylvania on August 28, 2015. This motion has been comprehensively briefed by the Defendant (Doc. 34) and supported, as required by the Rules of Court for the Middle District of Pennsylvania, by a Statement of Material Undisputed Facts and supporting documentation(Doc. 33). Under the Local Rules of Court the Plaintiff's brief in opposition to Defendant's motion was due on or about November 6, 2015. That date has come and gone and Plaintiff has not filed a brief.

I. Background.

This case was filed for alleged violations by Defendant of the Family Medical Leave Act, the Americans with Disabilities Act, and the gender discrimination provisions of Title VII of the Federal Civil Rights Act and pendant claims pursuant to the Pennsylvania Human Relations Act. (Doc. 4). Plaintiff was initially

represented by counsel but irreconcilable differences arose between Plaintiff and his attorney which resulted in the attorney filing a Motion to Withdraw as Counsel (Doc. 12) on December 4, 2014. Counsel's motion was granted per this Court's Order (Doc. 13) of December 19, 2014. The record indicates that Plaintiff was aware both of his counsel's motion to withdraw and of her recommendation that he retain new representation. Plaintiff did not oppose the motion nor did he secure new counsel.

The docket in this matter indicates that Plaintiff has been copied on all filings since his counsel withdrew and his only communication with the Court since that time has been to advise that he is representing himself in this matter. (Doc. 20). He has filed no opposition to Defendant's motion, has not requested an extension of time to do so, and has made no request for additional time to procure alternative legal representation in the eleven months since his counsel withdrew.

II. Discussion.

Rule 56(e) of the Federal Rules of Civil Procedure permits the Court to grant summary judgment to a party whose properly supported assertions of fact are not opposed by the non-moving party. Rule 56.1 of the Rules of Court for the Middle District of Pennsylvania states, in pertinent part: "all material facts set forth in the statement required to be served by the moving party will be deemed to be admitted unless controverted by the statement required to be

served by the opposing party." Here, the "opposing party" has ignored the Defendant's assertions of fact and, pursuant to Local Rule 56.1, these assertions of fact must now be regarded as true.

Having reviewed Defendant's Rule 56.1 Statement of Material and Undisputed Facts and the documentary evidence submitted therewith, the Court can only conclude that Plaintiff's claims for relief pursuant to the FMLA, the ADA, Title VII and the PHRA must be rejected and that Defendant's Motion for Summary Judgment (Doc. 24) must be granted as unopposed pursuant to the aforementioned Rules of Court and Rule 7.6 of the Rules of Court for the Middle District of Pennsylvania. An Order consistent with this determination will be filed contemporaneously.

BY THE COURT

Honorable Richard P. Conaboy
United States District Court

Dated: 11-17-15