

CLERKS OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

4/3/2025
LAURA A. AUSTIN, CLERK
BY: s/ CARMEN AMOS
DEPUTY CLERK

ELLENOR ZINSKI,

Plaintiff,

v.

LIBERTY UNIVERSITY, INC.,

Defendant.

CASE NO. 6:24-cv-00041

AMENDED ORDER

JUDGE NORMAN K. MOON

Plaintiff Ellenor Zinski sues her former employer, Defendant Liberty University, asserting one claim of sex discrimination in violation of Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000e *et seq.* Now before the Court is Liberty's motion to dismiss, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. *See* Dkt. 11 (motion); Dkt. 12 (brief in support).

As explained in the Court's accompanying memorandum opinion, none of Liberty's proposed defenses are supported by the law on the facts thus far presented. The Court therefore **DENIES** Liberty's motion to dismiss, **Dkt. 11**.

However, as explained in a separate order and opinion, the Court concludes that the proper interpretation of Sections 702 and 703 of Title VII is (1) a controlling question of law (2) about which there is substantial ground for difference of opinion and (3) an immediate appeal therefrom may materially advance the termination of the litigation. *See* 28 U.S.C. § 1292(b). The Court therefore **CERTIFIES** its order in this matter for **interlocutory appeal** to the Fourth

Circuit. *See* Fed. R. App. P. 5(a)(3).

The Clerk of Court is directed to send a copy of this Order to the parties.

Entered this 3rd day of April, 2025.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE