

**FILED**

**SEP 9 1998**

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY     *bu*     DEPUTY

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, )

Plaintiff, )

v. )

No. CIV-97-1998-L

P & P MARKETING OF )  
OKLAHOMA CITY, INC., )

Defendant. )

and )

NIKKI OCHS and BRANDI JOHNSON, )

Intervenors, )

v. )

P&P MARKETING OF OKLAHOMA )  
CITY, INC., LOUIS PLUMBTREE, )

Defendants. )

**DOCKETED**

**ORDER**

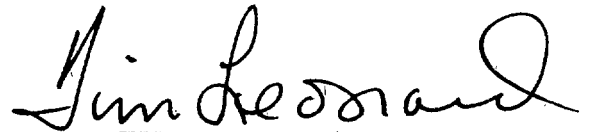
This matter is before the court on defendants' motions for summary judgment against plaintiff and the intervenors. The court has reviewed the extensive briefs in support of and in opposition to defendants' motions and the numerous exhibits submitted by the parties. Based on this review, it appears that genuine issues of material fact are in dispute with respect to the claims of plaintiff and the intervenors. In addition, defendants have failed to demonstrate that they are entitled

51

to judgment as a matter of law. Thus, summary judgment is inappropriate. See Fed. R. Civ. P. 56(c).  
See also Mustang Fuel Corp. v. Youngstown Sheet & Tube Co., 561 F.2d 202, 204 (10th Cir. 1977).

Defendant's Combined Motion for Summary Judgment Against EEOC (Docket No. 34) is DENIED. Likewise, Defendants' Combined Motion for Summary Judgment Against Intervenors (Docket No. 35) is DENIED.

It is so ordered this 9<sup>th</sup> day of September, 1998.



TIM LEONARD

United States District Judge